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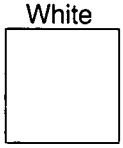

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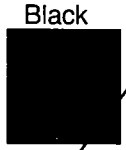

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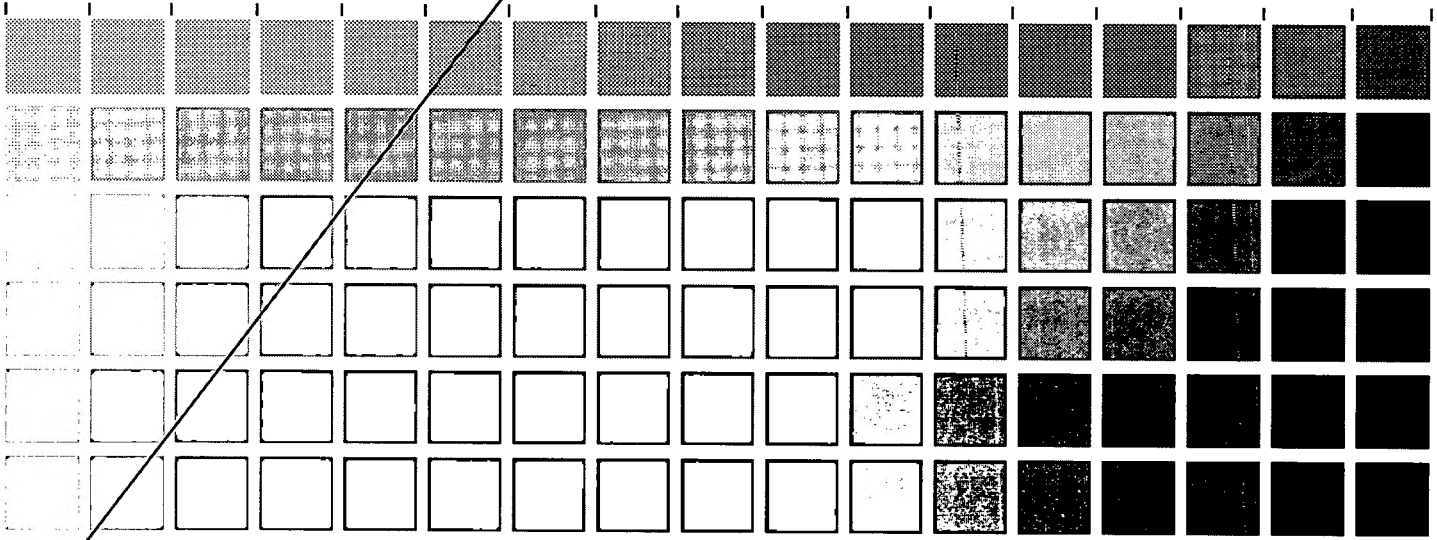

BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

RESOLUTIONS

MINUTES

DCR-DAH-ARS-RSB
Form IU-T4

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BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

RESOLUTIONS

MINUTES

VOLUME: 36

(NOVEMBER 12, 2013 – DECEMBER 9, 2014)

(PAGES: INDEX - 452)

(RESOLUTIONS No: R-2013-235 – R-2014-276)

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Books 36-42

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11/12/2013
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RESOLUTION NO. 13-235

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A NON MATCHING GRANT FROM THE NORTH CAROLINA DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT FOR THE PURCHASE OF EQUIPMENT FUNDS TO BE USED BY HAZARDOUS MATERIALS REGIONAL RESPONSE TEAM 6 – ASHEVILLE

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the Department of Crime Control and Public Safety, Division of Emergency Management has awarded RRT 6 – Asheville a non-matching grant in the amount of $17,500.00 for the purchase of specialized equipment to be used on-scene and to prepare for threatened or actual weapons of mass destruction or domestic terrorists attacks or major disasters, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept a non-matching grant in the amount of $17,500 from the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, for a non-matching grant in the amount of $17,500.00 to purchase equipment to be used on-scene and to prepare for threatened or actual weapons of mass destruction or domestic terrorists attacks or major disasters.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

2

RESOLUTION NO. 13- 236

RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN DUKE ENERGY PROGRESS' SMALL BUSINESS ENERGY SAVERS PROGRAM AND TO ENTER INTO A SOLE SOURCE CONTRACT TO PURCHASE AND INSTALL 225 CITY PARKING DECK LIGHTS TO LED FIXTURES

WHEREAS, N.C.G.S. 143-129 details the procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. 143-129 (e) identifies exceptions to those procedures as they relate to procurement contracts; and

WHEREAS, item (6) of N.C.G.S. 143-129(e) states that "the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bidding when (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration"; and

WHEREAS, Lime Energy is the only approved contractor for the Small Business Energy Saver Program ("SBES"), and in order to participate in the program, the City has no other choice of contractors; and

WHEREAS, it has been determined by the Asheville City Council that participation in the SBES program and entering into the required sole source purchase and installation contract will enable the City to replace 225 inefficient City Parking Deck lights with new, highly efficient LED fixtures at a significant cost savings to the City and that, therefore, it is in the City's best interests to do so;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City to participate in Duke Energy Progress' new energy efficiency program and to authorize the City Manager enter into a sole source provider contract for the purchase and installation of energy efficient lighting products in an amount not to exceed $50,000.

Read, approved, and adopted this 12th day of November, 2013

Magdalen Bowlerson
CITY CLERK

MAYOR

APPROVED AS TO FORM:
Martha McMahon
CITY ATTORNEY

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 13-237

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SITEMED FOR FIREFIGHTER ANNUAL PHYSICALS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, Asheville Fire Department provides annual medical monitoring and physicals for firefighters; and

WHEREAS, the amount of the Agreement is $122,200 and the monies have been budgeted in the Fire Department's 2013-14 Fiscal Year Budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with SiteMed, for $122,200 for Annual Firefighter Physicals and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 12th day of November, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

4

RESOLUTION NO. 13-238

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH BIO-NOMIC SERVICES, INC. FOR THE NORTH FORK WATER TREATMENT PLANT WASTE LAGOON #3 DREDGING AND SLUDGE REMOVAL AND DISPOSAL PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Resources Department issued a Request for Proposals for the dredging, removal, and disposal of sludge from the North Fork Water Treatment Plant Waste Lagoon # 3; and

WHEREAS, Bio-Nomic Services, Inc. was selected by Water Resources staff for the project in the amount of $366,400.00.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a general services agreement with Bio-Nomic Services, Inc. for the North Fork Water Treatment Plant Waste Lagoon # 3 Dredging and Sludge Removal and Disposal project in the not-to-exceed amount of $366,400.00; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bullman
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullman
City Clerk

RESOLUTION NO. 13-239

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE MILLS RIVER PARTNERSHIP, INC., (MRP) TO PARTIALLY FUND PROJECTS DIRECTLY RELATED TO WATER QUALITY PROTECTION AND/OR IMPROVEMENT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, the Water Resources Department desires to contract with the Mills River Partnership (MRP) to partially fund projects directly related to water quality protection or improvement in the Mills River Watershed; and

WHEREAS, the contract will be for a total not-to-exceed amount of $180,000.00 over three (3) fiscal years contingent upon funding each year and the level of participation recommended is an amount up to $60,000.00 per fiscal year for a maximum of three fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds; and

WHEREAS, if approval is granted to move forward with this contract, Water Resources would utilize funds from the operating budget for each year of the three-year contract.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a multi-year general services contract for the entire contract with the Mills River Partnership, Inc., for the Mills River Watershed Best Management Practices project for a not-to-exceed amount of $180,000.00 over three (3) fiscal years contingent upon funding each year; and further the level of participation recommended is an amount up to $60,000.00 per fiscal year for a maximum of three fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

6

RESOLUTION NO. 13-240

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CH SECURITY SERVICES, LLC FOR SECURITY SERVICES IN THE CITY PARKING GARAGES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, security services are needed in the City parking garages; and

WHEREAS, the amount of the contract is $170,000 for one year and the monies have been budgeted in the Transportation Department's Operating Budget for FY 2013-14; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with CH Security Services, LLC, not to exceed $170,000.00 per fiscal year for security services in the City parking garages and further authorized to execute any change orders to said contract or documents which might arise during the time period of the contract up to the budgeted amount.

Read, approved and adopted this the 12th day of November 2013.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 13-241

RESOLUTION AUTHORIZING PRIMARY AND SECONDARY AGENTS REPRESENTING THE CITY OF ASHEVILLE TO APPLY FOR AND OBTAIN FINANCIAL ASSISTANCE FOR THE SEVERE STORMS DURING THE PERIOD OF JULY 3, 2013 THROUGH JULY 13, 2013

WHEREAS, the severe storms of July 3, 2013 through July 13, 2013 have been declared a federal disaster by the Federal Emergency Management Agency and identified as FEMA–4146–DR–NC; and

WHEREAS, North Carolina's Division of Emergency Management requires primary and secondary agents representing the City of Asheville be authorized by resolution to execute and file applications for federal and/or state assistance on behalf of the City of Asheville for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act (Public Law 93-228 as amended) or as otherwise available; and

WHERAS, Jakob Klodt, Public Works Business Manager; and David Foster, Public Works Deputy Director are authorized to represent and act for the City of Asheville in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances attached;

Read, approved and adopted this 12th day of November, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION
DESIGNATION OF APPLICANT'S AGENT
North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) City of Asheville	Disaster Number: FEMA-4146-DR-NC
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate): North Carolina	
Applicant's Fiscal Year (FY) Start Month: July Day: 01	
Applicant's Federal Employer's Identification Number 56-6000224	
Applicant's Federal Information Processing Standards (FIPS) Number	

PRIMARY AGENT	SECONDARY AGENT
Agent's Name Jakob Klodt	Agent's Name David Foster
Organization City of Asheville	Organization City of Asheville
Official Position Public Works Business Manager	Official Position Public Works Deputy Director
Mailing Address P.O. Box 7148	Mailing Address P.O. Box 7148
City, State, Zip Asheville, NC 28802	City, State, Zip Asheville, NC 28802
Daytime Telephone 828-259-5937	Daytime Telephone 828-259-5938
Facsimile Number 828-259-5832	Facsimile Number 828-259-5832
Pager or Cellular Number 828-777-7580	Pager or Cellular Number 828-777-6281

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93 288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 12th day of November, 2013.

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title Mayor Terry M. Bellamy; Vice-Mayor Esther Manheimer;	Name Magdalen Burleson
Name and Title Council Members: Cecil Bothwell, Jan Davis, Marc Hunt,	Official Position City Clerk
Name and Title Council Members continued: Chris Pelly, and Gordon Smith	Daytime Telephone 828-259-5601

CERTIFICATION

I, Magdalen Burleson (Name) duly appointed and City Clerk (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of the City of Asheville NC (Organization) on the 12th day of November, 2013.

Date: November 12, 2013 **Signature:** _____

Rev. 06/02

APPLICANT ASSURANCES

The applicant hereby assures and certifies that he will comply with the FEMA regulations, policies, guidelines, and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally-assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurance contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.

3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.

4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.

5. It will provide and maintain competent and adequate architectur-al engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grant or agency may

6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.

7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.

8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.

10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.

11. It agrees to comply with Section 311. P.L. 93-288 and with Title VI of the Civil Rights act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial as-sistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assist-ance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally-assisted programs.

14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.

15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.

16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 205, and applicable FEMA Handbooks.

18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.

19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishment of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.

20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.

21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

22. It will complu with the insurance requirements of Section 314, P.L. 93-288, to oabtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which ws replaced, restored, repaired, or constructed with this assurance.

23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is requried.

24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such proper-ties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

25. It will for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and stan-dards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take ap-propriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

10

RESOLUTION NO. 13- 242

RESOLUTION AMENDING THE 2013 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings; and

WHEREAS, on December 11, 2013, City Council adopted Resolution No. 12-256 setting the City Council organizational meeting for Tuesday, December 3, 2013, at 5:00 p.m.; and

WHEREAS, it is Council's intent to re-schedule the City Council organizational meeting;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council organizational meeting be held on Tuesday, December 10, 2013, at 4:00 p.m. in the Council Chamber, located on the 2nd Floor of the City Hall Building.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

Martha McKlosion
CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 13-243

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONSTRUCTION CONTRACT WITH BRANTLEY CONSTRUCTION CO., LLC FOR ADDITIONAL RENOVATIONS TO THE MEZZANINE LEVEL MEETING SPACES WITHIN THE EXPLOREASHEVILLE.COM ARENA AT THE U.S. CELLULAR CENTER.

WHEREAS, the City Council approved a contract with Brantley Construction Co., LLC on February 15, 2013 in the amount of $1,876,000 for the next phase of renovations at the US Cellular Center; and

WHEREAS, at the time it entered into the aforementioned contract, the City did not have sufficient funds for several items of additional alternate renovation work that it desired and which is outlined in the grant agreement with the TDA, and

WHEREAS, the City received additional funding on July 1 from sponsorship funds that may be allocated to additional renovation work and the City, therefore, desires to utilize these funds to add renovation of the mezzanine spaces to the construction contract with Brantley; and

WHEREAS, the desired action will increase the construction contract by $485,794.45 for a total amount of $2,910,114.95 plus a 10% contingency of $48,579.45 for the possibility of unknown factors that may require a change order to the contract and therefore, a change order is required to affect this change; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to execute an amendment to the construction contract with Brantley Construction Co., LLC in the amount of $485,794.45 for a total contract amount of $2,910,114.95 and a contingency of $48,579.45 for the purpose of continued renovations to the U.S. Cellular Center.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 13 244

RESOLUTION AUTHORIZING THE ADOPTION OF UPDATES TO THE GREENWAY MASTER PLAN

WHEREAS, The "City of Asheville Parks, Recreation, Cultural Arts and Greenway Master Plan" was adopted in February 2009 and it is now appropriate to update the plan after almost five years; and

WHEREAS, the master plan is a long-range planning document presented in goals, strategies and action steps that creates a vision and a guideline for a coordinated effort to deliver parks, greenways, recreation and cultural arts services over the next 10 to 15 year; and

WHEREAS, the master plan updates does not commit City Council to a funding timeline for implementation, and the recommendations in the plan will be implemented as funding opportunities become available; and

WHEREAS, Greenway Committee and Multimodal Transportation Commission agrees with the master plan updates and the recommendations as presented;

NOW, THERFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHVILLE THAT:

The Mayor is hereby authorized to adopt the updates to the Greenway Master Plan.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

City of Asheville Greenway Master Plan - Proposed 2013 Updates

The vision for the City of Asheville greenway system is a network of off-road trails utilizing natural corridors to connect people and places within the city. Asheville greenways will provide multimodal transportation, environmental, health, recreation, economic, educational, cultural, water quality, air quality and habitat preservation benefits. These natural corridors will be supplemented and connected when the need arises with transitional bicycle and pedestrian improvements along roadways, thereby addressing the Complete Streets model in strategic corridors.

The City needs to establish a comprehensive greenway development plan to meet the expectations of citizens who consistently rate greenways as a high priority in meetings and surveys. Asheville has lagged behind other cities in greenway development mainly because of a limited land inventory, the high cost of land acquisition in a rapidly growing city and the exceptional costs of greenway development in a mountainous region.

Greenways are defined by the Greenway Commission as ***"connected pathway systems that provide non-motorized transportation options, environmental benefits, opportunities for active recreation and health, economic development and community building."***

These ribbons of open space are located within linear corridors that are either natural, such as rivers and streams, or manmade, such as abandoned railroad beds and utility corridors. Greenways, as vegetated buffers protect natural habitats, improve water quality and reduce the impacts of flooding in floodplain areas. Most greenways contain trails, which enhance existing recreational opportunities, provide routes for alternative transportation, and improve the overall quality of life in an area.

This definition speaks to a great deal of the greenway corridors as defined by the proposed master plan. In addition to the aforementioned, greenways are transitional corridors that are part of the greenway network of connectivity. These are streets that improved to connect and bridge the experience between greenways when off-road land opportunities are not available. These transitional corridors would have ample pedestrian and bicycle design as well as streetscape amenities such as wayfaring signage, landscape, benches, etc. to reinforce the connection between the greenways with elements associated with the off-road corridors.

Amendments to the current Asheville Greenway Master plan now are being considered to enhance connectivity via this multi-modal form of transportation for the following reasons:

-Buncombe County revised the "Buncombe County, NC Greenways and Open Space Plan" in July 2008 (developed by Land-of-Sky) as well as the development of the "Connect Buncombe Greenway and Trails Master Plan" which was adopted in August 2012 provided an opportunity to dovetail the City and County master planning efforts.

-The North Carolina Department of Transportation is furthering its planning and design for the proposed I-26 Connector improvements which is currently under the "development" stage.

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-The former Greenway Commission, which is now part of the Multimodal Transportation Commission, along with City staff recognize the need to consider other possible greenways they would enhance connectivity especially within the I-26 corridor

-The "City of Asheville, Parks, Recreation, Cultural Arts and Greenways Master Plan" was adopted in February 2009 and it is now appropriate to update the plan after almost five years.

-The Greenway Commission in 2012 held a public work session open house to get community feedback on the current greenway plan and ideas for future corridors and connections. The community feedback was incorporated into the updated plan and map.

DOT Highway impacts on the Asheville Greenway Master Plan

The I-26 Connector project is currently in the development stage by the North Carolina Department of Transportation. There are numerous alternatives which are under consideration as it passes through the City of Asheville and each one can impact the proposed greenway network in different ways.

The City of Asheville requests that the North Carolina Department of Transportation consider the integration of the City of Asheville's Greenway Master Plan to enhance connectivity and not create barriers to the pedestrian and cyclist who would utilize this system. It is not possible to describe exactly how each greenway in the City of Asheville's Greenway Master Plan interfaces with the I-26 Connector due the alternatives that are still under consideration by the North Carolina Department of Transportation.

The impacts of the I-26 improvements are shown on the Asheville's Greenway Master Plan map via two shapes.

There is a linear buffer area that is on either side of the I-26 corridor that indicates potential highway corridor improvements where there are no I-26 Corridor alternatives that would impact the greenway connectivity in a variety of ways. ***The City of Asheville will request that the North Carolina Department of Transportation consider connectivity and the integration of the greenways within this area and not create barriers to the pedestrian and cyclist.***

There are also three circular areas shown on the map along the I-26 corridor that indicates potential corridor improvements where there are various I-26 design alternatives that could impact the greenway connectivity in a variety of ways. ***The City of Asheville will request that the North Carolina Department of Transportation consider connectivity and the integration of the greenways within these areas and not create barriers to the pedestrian and cyclist.***

The following list delineates the greenways that are proposed in the City of Asheville's Greenway Master Plan and could potentially be impacted by the I-26 Corridor improvements proposed by the North Carolina Department of Transportation. These greenways are noted

below along with their corresponding number which defines them on the City of Asheville's Greenway Master Plan map.

Location	Number as Shown on Map
Beaverdam Creek Greenway	2
Glenn's Creek Greenway	10
French Broad River Greenway – East Bank	8
Montford Greenway	14
Smith Mill Creek Greenway	17
Emma Greenway	7
West Asheville Greenway	20
French Broad River Greenway – West Bank	9
Hominy Creek Greenway	12
Bent Creek Greenway	3
Lake Julian Greenway	13

City of Asheville Greenways

The following greenways are already adopted in the City of Asheville Parks, Recreation, Cultural Arts and Greenways Master Plan" which was adopted in February 2009. Each corridor is within the limits of the City of Asheville. There are modest extensions to some of the greenways in terms of their length often because transition corridors were added to them to indicate the connectivity between greenways for a comprehensive, interconnecting greenways system. Any additions to previously adopted greenway corridors within this section are elaborated within the description the specific corridor.

Beaucatcher Mountain Greenway

Length: 1.25 miles
Trail Type: 10' wide Asphalt
Description: This corridor nearly extends the length of Beaucatcher Mountain from Memorial Stadium and White Fawn Reservoir (above McCormick Field) to Helen's Bridge near I-240 and Tunnel Road. This wooded corridor below the crest and on the western side of the mountain's ridge will have commanding views of downtown Asheville. The trail will a couple on-road in portions along Ardmion Road and South Beaumont Street and at times meander through parks such as Memorial Stadium, White Fawn, Mountainside, Beaucatcher Overlook and Beaucatcher Reservoir Park.

Beverly Hills Greenway

Length: 1.25 miles
Trail Type: 10' wide asphalt and concrete sidewalk
Description: This paved greenway starts at Swannanoa River Greenway on Swannanoa River Road near Recreation Park and extends northward to Haw Creek Park. The trail would wind through the rolling and beautifully wooded Beverly Hills neighborhood that was developed and on the perimeter of the notable Donald Ross golf course. The route would include both on-road and off –road trails that meander around and through parks such Ann Patton Joyce Park and Municipal Golf Course and eventually connect to the Haw Creek Greenway.

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Clingman Forest Greenway
Length: 1.0 mile
Trail Type: 10' wide Asphalt
Description: This greenway originates near Aston Park at the intersection of Clingman Forest and Hilliard Avenue and continues southward to the Dr. Wesley Grant, Sr. Southside Center near the intersection of Depot and Livingston Street. The northern portion passes through a wooded ravine via an off-road greenway trail. The southern on-road segment has been added to the plan to connect this greenway to the Town Branch Greenway via a transitional corridor design. This greenway will pass through the developing River Arts District. There are many potential connections to Aston Park, Asheville Middle School, YWCA, Owens Bell Park and the surrounding residential areas and link the Reed Creek and Clingman Forest Greenway.

French Broad River Greenway – East Bank
Length: 3.5 miles
Trail Type: 12' wide asphalt
Description: The French Broad River Greenway system is Asheville's major north-south alternative transportation corridor and overlaps with a portion of the Wilma Dykeman RiverWay Plan, a major urban waterfront redevelopment project. The French Broad River Greenway on the east bank is envisioned as being a mostly off-road corridor that parallels the river from the Amboy Road Bridge to the intersection of Riverside Drive and Broadway. The settings of this corridor vary greatly from being very natural in the northern to southern portions to areas that are highly disturbed by past riverfront development in the more urban central segment. This greenway would respect and reflect future development as it becomes more urbanize and a community and tourist destination just west of the downtown. The greenway passes through the western edge of the River Arts District and ties into the Swannanoa River Greenway and near the Amboy Road bridge where the rivers converge.

French Broad River Greenway – West Bank
Length: 7.25 miles
Trail Type: 12' wide asphalt
Description: The French Broad River Greenway system is Asheville's major north-south alternative transportation corridor and overlaps with portions of the Wilma Dykeman RiverWay Plan. The French Broad River Greenway is described two segments due to its large scale and possible implementation phasing. The west bank segment begins at Hominy Creek Park and travels along the banks of the French Broad River until it reaches the municipal park. Richmond Hill. The west bank of the French Broad River Park is less developed and often steeper than the eastern bank. Similar to the east bank, portions of the northern and southern segments are more naturalistic in nature and the central portion experienced more development historically and is similarly undergoing planning and development to foster a more urbanized and enriching setting. A segment has been added to the plan (between Haywood Road to Richmond Hill Park) to foster greater connectivity and dovetail with future economic development of the river valley. This Hominy Creek Greenway ties into the western end of this greenway.

Glenn's Creek Greenway
Length: 1.5 miles
Trail Type: 10' wide asphalt
Description: This trail extends westward from Weaver Park on Merrimon Avenue to Riverside Drive along the French Broad River. This paved trail connects the Norwood, Montford and University neighborhoods via mostly wooded and richly landscaped settings. The trail is on-road in portions but there are also off-road trails as well through Weaver Park as well as the park-like setting of the University of North Carolina – Asheville. A segment has been added to the plan to have this greenway as well as the Reed Creek Greenway connect to the French Broad River Greenway Branch via a transitional corridor along Broadway. The Reed Creek Greenway links into this greenway corridor.

Haw Creek Greenway
Length: 0.75 mile
Trail Type: 10' wide asphalt
Description: This section of greenway will extend northward from the East Asheville Recreation Center to the Haw Creek Elementary School. The trail would be on-road in portions but there would also be off-road trails as well via Haw Creek Park as well as the park-like settings of various private commercial and residential properties and its destination, the Haw Creek Elementary School, whose grounds are encompassed with a loop trail. This greenway would connect with the Beverly Hills Greenway.

Hominy Creek Greenway
Length: 4.5 miles
Trail Type: 10' wide asphalt
Description: This greenway begins at Buncombe County's Hominy Creek Park located on the west bank of the French Broad River and travels essentially westward to Enka along the Smokey Park Highway. The eastern portion follows the riparian banks of Hominy Creek until it meets the I-26/I-40/I-240 interchange. Thereafter it can run parallel to Sand Hill Road as an on-road connector or follow Hominy Creek in a more circuitous off-road route pending more analysis. West of this segment it continues to parallel the disturbed riparian banks of Hominy Creek within the Enka Center property north of Biltmore Lake. This segment has been added to the plan to foster connectivity with the City's and County's master plans for this greenway corridor. This corridor connects with the Bent Creek and Canie Creek Greenways.

Montford Greenway
Length: 1.25 miles
Trail Type: 10' wide asphalt
Description: This off-road trail begins at Gudger Street below the Asheville Area Chamber of Commerce Visitors Center and continues west to the French Broad River Greenway. It originates near the Randolph Learning Center and passes north of the Issac Dickson Elementary School via a wooded ravine. A spur north of this portion has been added to the plan which will enhance connectivity to the Montford Neighborhood. This off-road trail originates at the Montford Complex and passes along Riverside Cemetery eventually connecting into the aforementioned greenway corridor in the vicinity of Hill Street.

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Reed Creek Greenway
Length: 2.0 miles
Trail Type: 10' wide asphalt
Description: The Reed Creek Greenway stretches from the Botanical Gardens on W.T. Weaver Boulevard to Aston Park at the intersection of Clingman and Hilliard Avenue. The segment that runs parallel to Broadway Avenue also follows a creek and riparian terrain with a slightly urban feel due to the proximity of the development along portions of Broadway. A segment west and south of this portion has been added to the plan via a transitional corridor. This on-road section would unite the Montford Greenway and Clingman Forest Greenway and pass by residential and educations land uses. Reed Creek Greenway would link into the Glenn's Creek Greenway at its northern end.

Rhododendron Creek Greenway
Length: 0.75 mile
Trail Type: 10' wide asphalt
Description: This corridor begins at Hominy Creek Greenway on Shelburne Road near the former North Carolina National Guard (now owned by the City of Asheville) and extends to Sand Hill Road near Vance Elementary School. The trail will be on-road in portions such as along Talmadge Street but there would also be wooded, off-road trails as well through West Asheville Park and residential development such as the Davenport co-housing development for which an easement has been granted to the City.

Swannanoa River Greenway
Length: 7.75 miles
Trail Type: 12' wide asphalt
Description: The Swannanoa River Greenway system is Asheville's major east-west alternative transportation corridor and overlaps with a large portion of the Wilma Dykeman Plan. The greenway trail would start at the Amboy Road Bridge and extend to the eastern limits of the city in Oteen. The greenway will pass along Meadow and Swannanoa River Road whose settings range from dense urban development areas such as that of Biltmore Village to more natural riparian landscape along the Swannanoa River. The trail would be on-road in portions and at times meander through open space parks such as Riverbend, Recreation and Azalea Park which are located on the eastern portion of the greenway. This greenway would link to the Beverly Hills and French Broad River Greenway.

Town Branch Creek Greenway
Length: 1.25 miles
Trail Type: 10' wide asphalt
Description: This greenway corridor begins at the Dr. Wesley Grant, Sr. Southside Center and extends eastward to Memorial Stadium. The greenway would be a wooded, off-road experience as it heads from the Dr. Wesley Grant, Sr. Southside Center, parallel to Choctaw Street and Old Ashland Avenue, until it is the intersection of McDowell and Phifer Street. A segment east of this portion has been added to the plan to have this greenway connect with the Beaucatcher Greenway. This on-road, transitional corridor will be located along Southside, Short Coxe and Buchanan Avenue and terminate at the entrance of Memorial Stadium. The western end of the Town Branch Greenway would unite with the Clingman Forest Greenway.

Buncombe County Greenways

As was noted previously, Buncombe County revised the "Buncombe County, NC Greenways and Open Space Plan" in July 2008 (developed by Land-of-Sky) as well as developing the "Connect Buncombe – Greenway and Trails Master Plan" which was adopted in August 2012. Greenways that relate to the City of Asheville's Greenway Master Plan and also within the vicinity of the I-26 corridor are included within the proposed City of Asheville Master Plan to foster connectivity. The following lengths, trail type and descriptions pertain to the greenway portions within the limits of the City of Asheville unless otherwise noted.

Bent Creek Greenway

Length: 2.75 miles
Trail Type: 10' wide asphalt
Description: This greenway branches off of the Hominy Creek Greenway just east of the WNC Regional Farmer's Market and travels southward to Biltmore Park. The northern portion is most likely an on-road section that passes through the County from the Farmer's Market and along Brevard Road where it intersects with I-26. Thereafter it largely passes mostly through the limits of the City of Asheville City and land owned by the County of Henderson. The greenway continues outside of the City's limits along the French Broad River's riparian banks via an off-road trail until it reaches the vicinity of Biltmore Park and Long Shoals Road. At this junction it links to the Lake Julian Greenway.

Hominy Creek Greenway

Length: 1.0 mile
Trail Type: 10' wide asphalt
This greenway originates near the intersection of Brevard Road and I-26 and travels westward to Hominy River Park. The initial greenway segment begins where Brevard Road and I-26 meet and travels northwest through private wooded landscape within until it intersects Hominy Creek. Thereafter, it continues westward and parallel to the disturbed riparian banks of Hominy Creek within Enka Center north of Biltmore Lake. Within this corridor the greenway weaves in and out of the limits of the City of Asheville for several segments. Eventually the greenway continues westward into Buncombe County and southwest of Enka Lake to Hominy River Park. This greenway ties into the Bent Creek Greenway.

Lake Julian Greenway

Length: 3.00 miles
Trail Type: 10' wide asphalt
Description: This greenway trail extends from the French Broad River and the Bent Creek Greenway near the intersection of I-26 and Long Shoals Road and continues eastward to Collier Park and Mills Gap Road. The western portion of the trail passes mostly within the City limits through densely developed areas along Long Shoals Road which include mixed use development such as Biltmore Park, residential communities and a large complex of schools. It continues around the shores of Lake Julian via an off-road trail. East of this it continues to Sweeten Creek Road, which is the limits of the City, and continues eastward to Mills Gap Road. It is interesting to note that the eastern portion of the greenway in the county also loops by then traveling

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northwest along Mills Gap Road and then south along Sweeten Creek Road where it terminates at Jake Rusher Park.

Additional Proposed Greenways

The City of Asheville staff along with the former Greenway Commission (now a part of the Multimodal Transportation Commission) recognize the need to consider other possible greenways since they would enhance connectivity especially in the context of the proposed I-26 corridor improvements. ***These greenway corridors will require in depth studies as to their exact alignment via feasibility studies.*** The following lengths, trail type and descriptions pertain to the greenway portions within the limits of the City of Asheville unless otherwise noted.

Beaverdam Creek Greenway

Length: 4.0 miles
Trail Type: 10' wide asphalt
Description: This off-road/on-road greenway trail begins just west of Webb Cove Road and terminates just west of Beaver Lake. Future feasibility studies should consider off and on-road alignments parallel to Beaverdam Creek as much as possible through this wooded residential valley floor. Similarly there are potential extensions of the greenway into the county west of Beaver Lake to the French Broad River as well as east of Webb Cove Road to the Blue Ridge Parkway. This greenway corridor would link to the proposed French Broad River Greenway.

Canie Creek Greenway

Length: 1.00 mile
Trail Type: 10' wide asphalt
Description: This trail begins at the Hominy Creek Greenway in the vicinity of Sand Hill Road and continues northwest to Patton Avenue just east of the entrance to the Asheville School campus. It is a relatively level corridor that is a wooded, off-road corridor between Patton Avenue and Sand Hill Road. Thereafter is continues as an on-road corridor via Bear Creek Road for a segment and then the possibility of returning to an off-road trail along the riparian Hominy Creek pending access as it approaches the former Waller tract.

Emma Greenway

Length: 1.00 mile
Trail Type: 10' wide asphalt
Description: This off-road/on-road greenway trail begins just east of North Louisiana Avenue and then follows parallel to Emma Road until it meets Smith Mill Creek Greenway near the French Broad River Greenway. There is a creek and a railroad that parallels Emma Road which is lined with a number of residences and a golf course.

Smith Mill Creek Greenway

Length: 1.75 miles
Trail Type: 15' wide asphalt
This trail begins at Falconhurst Park (near the intersection of Patton Avenue and Leicester Highway) and travels eastward along the creek to the French Broad River. The greenway segment that parallels the development on the south side of Patton Avenue is an off-road greenway. The segment will connect to West Asheville Greenway. It then transitions into an on-

road greenway as it passes through private commercial properties for some distance. Thereafter the last portion is set in a more naturalistic or landscaped terrain as an off-road segment that weaves its way via the creek via private developments that include a golf course, commercial and railroad land uses.

West Asheville Greenway
Length: 2.75 miles
Trail Type: 15' wide asphalt
Description: This trail originates in the vicinity of the intersection of Clingman Avenue and Patton Avenue in the downtown (where the Reed Creek Greenway passes) and travels southwest along the I-26 corridor to the French Broad River Greenway in the vicinity of Carrier Park. It would be an off-road greenway that passes from the urban downtown to the natural riverfront environment as it connects various communities of West Asheville to the greenway system.

West Asheville Rails-to-Trails Greenway
Length: 4.75 miles
Trail Type: 12' wide Asphalt
Description: This potential greenway depends upon the abandonment of the current railroad usage and its possible conversion to a corridor that can incorporate the principles and resources of the Rails-to-Trails Conservancy. This corridor extends from the eastern end of the Emma Greenway in the proximity of the French Broad River to the Hominy Creek Greenway in the Enka Center vicinity.

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RESOLUTION NO. 13-245

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PATTON CONSTRUCTION GROUP FOR THE PROJECT KNOWN AS CONCRETE REPAIR – MAINTENANCE AND ADA IMPROVEMENTS, CITY OF ASHEVILLE PROJECT # ENG-13-14-001.

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Concrete Repair – Maintenance and ADA Improvements, City of Asheville Project # ENG-13-14-001; and

WHEREAS, Patton Construction Group of Arden, NC was the lowest responsible bidder for the project, in the amount of $204,430, and

WHEREAS, the project involves the Repair of Concrete Infrastructure that has Been Damaged or is in Need of Maintenance; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $204,430 with Patton Construction Group, Inc. for the project known as Concrete Repair – Maintenance and ADA Improvements, City of Asheville Project # ENG-13-14-001.

Read, approved and adopted this the 12th day of November, 2013.

Deputy City Clerk

Mayor

Approved as to form:

City Attorney

City Clerk

RESOLUTION NO. 13-246

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT IN THE AMOUNT OF $360,280 PLUS A CONTINGENCY OF 15% ($54,042) WITH APPALACHIAN PAVING AND CONCRETE, INC. FOR THE PROJECT KNOWN AS CONCRETE REPAIR- UTILITY CUTS, CITY OF ASHEVILLE PROJECT #SP-13-14-001.

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Concrete Repair- Utility Cuts, City of Asheville Project #SP-13-14-001; and

WHEREAS, Appalachian Paving and Concrete, Inc. of Asheville, NC was the lowest responsible bidder for the project, in the amount of $360,280; and

WHEREAS, the project involves repair of concrete infrastructure that has been damaged during the installation of utilities; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $360,280.00 plus a contingency of 15% ($54,042.00) with Appalachian Paving and Concrete Inc. for the project known as Concrete Repair – Utility Cuts, City of Asheville Project # SP-13-14-001.

Read, approved and adopted this the 12th day of November, 2013.

Deputy City Clerk

Mayor

Approved as to form:

City Attorney

City Clerk

15

RESOLUTION NO. 13-247

RESOLUTION OPPOSING SESSION LAWS 2011-268 AND 2013-369 RELATING TO THE STATE LEGISLATURE'S BAN ON NORTH CAROLINA CITIES' ABILITY TO RESTRICT POSSESSION OF CONCEALED HANDGUNS IN MUNICIPAL PARKS AND RECREATIONAL FACILITIES

WHEREAS, on November 22, 2011, the City of Asheville amended Chapter 12 (Parks, Recreation and Public Places), section 12-42, regarding Firearms and Weapons, to comply with Session Law 2011-268 (Amend Various Gun Laws/Castle Doctrine) ("S.L. 2011-268"); and

WHEREAS, S.L. 2011-268 prohibited municipalities from enacting ordinances that barred the possession of concealed handguns, by those with a lawful concealed carry permit, in City parks; however, S.L. 2011-268 allowed municipalities to ban such concealed handguns in City recreational facilities (recreational facilities being defined as only playgrounds, athletic fields, swimming pools and athletic facilities); and

WHEREAS, the recently enacted Session Law 2013-369 ("S.L. 2013-369"), further prohibits cities from banning concealed handguns in playgrounds, greenways, biking and walking paths, and athletic fields when they are not being used for an organized athletic event scheduled with the municipality; and

WHEREAS, the City's parks are multi-purpose and serve as an opportunity for play and participation by children and adults of all ages, in various sporting and athletic events, some organized some not; and

WHEREAS, the City's greenways are especially unique in that they touch and are in close proximity to private residential homes, wrap around and are adjacent to residential zoning districts and utilized for transportation and recreation by citizens all ages; and

WHEREAS, there is no legislative history reflecting any consideration, discussion, or debate by members of the North Carolina General Assembly to indicate the legislative intent for further limiting municipal authority to regulate the possession and carrying of concealed handguns in municipal recreational facilities; and

WHEREAS, it is imperative that citizens and members of the North Carolina General Assembly understand that S.L. 2013-369 arrogates the control from municipalities over City parks and restricts a City's ability to provide for the safety and well being of the most vulnerable population, that being children and the elderly; and

WHEREAS, the City urges citizens and others who have expressed concern and outrage over the City's inability to prohibit concealed handguns in City recreational facilities to contact members of the North Carolina General Assembly to convey such sentiment; and

WHEREAS, the City must comply with Session Law 2013-369, and will do by amending the Parks, Recreation and Public Places Ordinance, specifically provisions regulating Firearms and Weapons, to be consistent therewith:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Mayor and the City Council of the City of Asheville through the adoption of this protest resolution hereby declares its outrage and condemnation for S.L. 2011-268 and S.L. 2013-369.

2. The Mayor and the City Council of the City of Asheville resolve that a copy of this resolution be spread upon its minutes for public consumption and that a copy be sent to the North Carolina General Assembly.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bulleson
CITY CLERK

MAYOR

Martha McMahon
CITY ATTORNEY

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 13-248

RESOLUTION APPOINTING A MEMBER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the term of Wilfred Lack, as a member on the Alcoholic Beverage Control Board, expires November 13, 2013;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Wilfred Lack, 319 Sulphur Springs Road, Asheville, N.C., be and he is hereby reappointed as a member of the Alcoholic Beverage Control Board, to serve an additional three year term, term to expire November 13, 2016, or until his successor has been appointed.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

Martha McKlohon
CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 13-249

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS/POLICE ADVISORY COMMITTEE

WHEREAS, Ms. Marie-Line Germain (central representative) is no longer a member of the Citizens-Police Advisory Committee, thus leaving an unexpired term until June 30, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Larry Holt, 21 Haywood Street, Asheville, N.C., be and he is hereby appointed as the central area representative on the Citizens/Police Advisory Committee, to serve the unexpired term of Ms. Germain, term to expire June 30, 2014, or until his successor has been appointed.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

Martha McSloan
CITY ATTORNEY

Magdalen Bowleson
City Clerk

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Resolution No. 13-250

RESOLUTION OF APPRECIATION TO TERRY M. BELLAMY

WHEREAS, Terry M. Bellamy became Asheville's youngest and first African American Mayor on December 5, 2005; and

WHEREAS, from December 7, 1999 - December 4, 2001, and December 2, 2003 - December 5, 2005, Terry served as Councilwoman; and

WHEREAS, on December 4, 2001, her fellow Council members elected her as Vice-Mayor; and

WHEREAS, Terry has shown by many years of experience, her enthusiasm and dedication to public service and her ability to function as an effective leader; and

WHEREAS, Terry untiringly devoted over fourteen years to the City of Asheville during a period of time that numerous projects were initiated through her leadership which will continue to have a revitalizing and growing impact on the City of Asheville far beyond her term of office, in particular her dedication to promote affordable, safe housing for all; her commitment to the needs of the elderly, people with disabilities, veterans, children and the economically disadvantaged; her commitment to bringing the best quality of education and safety to the youth; her commitment to minority representation and consistency in board terms for Asheville's various boards and commissions; and her advocacy for sustainable initiatives; and

WHEREAS, Terry has served the community with distinction in a long list of public appointments and offices, demonstrating always her willingness to place her concern for the public good ahead of her personal interests; and

WHEREAS, Terry also served the City of Asheville by her appointments to several state and federal commissions including the U.S. Environmental Protection Agency's Local Government Committee; the Governor's Logistic Task Force; Co-Chair of the U.S. Conference of Mayor's Hunger & Homelessness Task Force; the French Broad Water Resources Study Committee; and many others too numerous to mention; and

WHEREAS, Terry has been a powerful influence for good in the growth and progress of the community; and

WHEREAS, Terry has demonstrated in many practical ways her deep and genuine love for this city and the surrounding area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the members of the Asheville City Council hereby express their gratitude to Terry M. Bellamy for the service she has rendered to her community and that this resolution be entered into the minutes of the Asheville City Council and that a copy be presented to Ms. Bellamy.

Read, approved and adopted this 10th day of December, 2013.

_____
MAYOR

COUNCILMAN	**COUNCILMAN**
COUNCILMAN	**COUNCILMAN**
COUNCILMAN	**COUNCILMAN**

Magdalen Bullock
City Clerk

RESOLUTION NO. 13-251

RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

WHEREAS, Mr. John Parrish has resigned as a member of the Recreation Board, thus leaving an unexpired term until June 30, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Robert Pierce, 12 Munn Drive, Asheville, N.C., be and he is hereby appointed as a member of the Recreation Board to serve the unexpired term of Mr. Parrish, term to expire June 30, 2015, or until his successor has been appointed.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

Martha McMahon
CITY ATTORNEY

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 13-252

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, Sue Russell has resigned as a member of the Asheville-Buncombe Historic Resources Commission, thus leaving an unexpired term until July 1, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Richard Fast, 103 Beaver Ridge Road, Asheville, North Carolina, be and he is hereby appointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve the unexpired term of Ms. Russell, term to expire on July 1, 2014, or until his successor has been appointed.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bowlerson
CITY CLERK

MAYOR

Approved as to form:

Martha McMahon
CITY ATTORNEY

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 13-253

RESOLUTION ADOPTING THE 2014 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The following schedule of the meetings of the Asheville City Council for 2014 be, and the same is, hereby established as follows:

City Council Formal Meetings
5:00 p.m.
2nd and 4th Tuesdays of each month
Council Chamber – 2nd Floor
City Hall Building, Asheville, N.C.

City Council Community Meetings
6:30 p.m.
5th Tuesday of any month
(If a community meeting is cancelled, the next location will be the cancelled meeting location)
April 29, 2014 – South
July 29, 2013 - Central
September 30, 2014 - North
December 30, 2014 - No meeting

BE IT FURTHER RESOLVED THAT:

The following meetings are hereby cancelled: Tuesday, July 8, 2014; Tuesday, December 23, 2014.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bowlesson
CITY CLERK

MAYOR

Approved as to form:

Martha W. McKlveen
CITY ATTORNEY

Magdalen Bowlesson
City Clerk

23

RESOLUTION NO. 13-254

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CAVANAUGH AND ASSOCIATES, PA, FOR ENGINEERING SERVICES ASSOCIATED WITH THE VAULT RENEWALS AND DMA ZONE METERING PROJECT.

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Cavanaugh and Associates, PA was selected by Staff via a Request for Qualifications process to perform engineering services related to the Vault Renewals and DMA Zone Metering Project for the estimated amount of $165,336.00 plus a contingency amount of $24,800.00 for a total project budget of $190,136.00; and

WHEREAS, the use of Cavanaugh and Associates, PA will ensure timely completion and provide the City of Asheville with the ability for planning and replacement of critical water infrastructure as part of the Vault Renewals and DMA Zone Metering Project.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a professional services agreement with Cavanaugh and Associates, PA, for engineering services for the amount of $165,336.00 plus a contingency amount of $24,800.00 for a total project budget of $190,136.00 for the Vault Renewals and DMA Zone Metering Project.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bulleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

Martha McKibbon
City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 13-255

RESOLUTION OF INTENT TO PERMANENTLY CLOSE PORTIONS OF EXCESSIVE RIGHT-OF-WAY ALONG SUMMIT AVENUE AND THE UNOPENED RIGHT-OF-WAY BETWEEN SUMMIT AND ALLEN AVENUES

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close portions of excessive Summit Avenue right of way and an unopened right-of-way between Summit and Allen Avenues; and

WHEREAS, said rights-of-way are not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close the excessive right-of-way along Summit Avenue, as follows:

Area #1
Cross Street City of Asheville Public Right of Way (That Portion of Cross Street lying between lots 2 and 18 as shown and recorded in Plat Book 1 Page 62):

Beginning at a #5 Rebar (being 0.3' below the adjacent grade) located at the intersection of the eastern margin of the presently existing and unopened Cross Street and the Northern Margin of Allen Avenue and at the South Western Corner of Lot 18, Block 11, as shown in Plat Book 1 Page 62; said #5 rebar bearing NC Grid Coordinates (NAD83-1986) of: Northing= 650,618.61' and Easting= 950,365.05'; thence from the point of beginning and running with the northern margin of Allen Avenue North 86°09'28" West 50.00' to a #4 Rebar with McAbee Identification Cap Set at the intersection of the said Northern Margin of Allen Avenue and the Western Margin of the said Unopened Cross Street at the South Eastern Corner of Lot 2, Block 10, recorded in Plat Book 1 Page 62; thence leaving the Northern Margin of Allen Avenue and running with the Western Margin of the unopened Cross Street North 04°05'38" East 150.56' to a ¾" Diameter Iron Pipe (Flush with Adjacent Grade) marking the North Eastern Corner of the said Lot 2, Block 10, and being further located at the intersection of the Western Margin of the said unopened Cross Street and the Southern Margin of the 15' unopened Alleyway depicted on Plat 1 Page 62; thence with the Southern Margin of the said 15' unopened Alleyway South 85°13'12" East 49.41' to a #4 Rebar with McAbee Identification Cap Set at the North Western Corner of the said Lot 18 Block 11, and being further located at the intersection of the Eastern Margin of the said unopened Cross Street and the Southern Margin of the said 15' unopened Alleyway; thence leaving the Alleyway and running with the Eastern Margin of the said unopened Cross Street South 03°51'59" West 149.74' to the Point and Place of Beginning.

Containing 0.171 acres / 7,463 square feet.

Area #2
Cross Street City of Asheville Public Right of Way (That Portion of Cross Street lying between lots 1 and 17 as shown and recorded in Plat Book 1 Page 62):

Beginning at a #4 Rebar with McAbee Identification Cap Set at the intersection of the presently existing Southern Margin of the 100' Right of Way over Summit Avenue and the Eastern Margin of the presently existing and unopened Cross Street and at the North Western Corner of the Lot 17, Block 11, as shown in Plat Book 1 Page 62; said #4 rebar bearing NC Grid Coordinates (NAD83-1986) of: Northing= 650,932.26' and Easting= 950,386.25'; thence from the point of beginning and running with the Eastern Margin of the said unopened Cross Street South 03°51'59" West 149.69' to a #4 Rebar with McAbee Identification Cap Set at the South Western Corner of the said Lot 17, a Block 11, nd being further located at the intersection of the Eastern Margin of the said unopened Cross Street and the Northern Margin of the 15' unopened Alleyway depicted on Plat 1 Page 62; thence with the Northern Margin of the

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said 15' unopened Alleyway North 85°11'32" West 49.35' to a #4 Rebar with McAbee Identification Cap Set at the South Eastern Corner of Lot 1, Block 10, recorded in Plat Book 1 Page 62 and being further located at the intersection of the Western Margin of the said unopened Cross Street and the Northern Margin of the said 15' unopened Alleyway; thence leaving the Alleyway and running with the Western Margin of the said unopened Cross Street North 03°36'49" East 148.94' to a #4 Rebar with McAbee Identification Cap Set at the intersection of the presently existing Southern Margin of the said Summit Avenue and the Western Margin of the said unopened Cross Street and at the North Eastern Corner of the said Lot 1, Block 10; thence running with the presently existing Southern Margin of the said Summit Avenue South 86°03'37" East 50.00' to the Point and Place of Beginning.

Containing 0.170 acres / 7,417 square feet.

Area #3
Summit Avenue City of Asheville Public Right of Way (That Portion of Summit Avenue lying directly to the North of Lots 3,1,17,15,13,11,9 and 7 as shown and recorded in Plat Book 1 Page 62):

Beginning at a #4 Rebar with Hampton Identification Cap Found on the presently existing Southern Margin of the 100' Right of Way over Summit Avenue at the North Western Corner of Lot 3, Block 10, as shown in Plat Book 1 Page 62; said #4 rebar bearing NC Grid Coordinates (NAD83-1986) of: Northing= 650,942.56' and Easting= 950,236.64'; thence from the point of beginning and turning away from and perpendicular to the said presently existing Southern Margin of Summit Avenue North 03°56'23" East 25.36' to a #4 Rebar with McAbee Identification Cap Set on the New Southern Margin of Summit Avenue, said New Margin being located 25' from the centerline of Summit Avenue (as it is presently constructed on the ground) and creating the Southern Margin of the New 50' Public Right of Way over Summit Avenue; thence following the Southern Margin of the said New 50' Right of Way over Summit Avenue, and at all points being located 25' from the centerline of Summit Avenue as it is presently constructed, the following eight courses and distances: South 86°12'23" East 153.93' to a calculated point, South 86°10'13" East 137.15' to a calculated point, South 86°23'28" East 56.21' to a calculated point, South 88°38'24" East 38.27' to a calculated point, North 89°53'50" East 44.09' to a calculated point, North 84°29'06" East 30.98' to a calculated point, North 84°34'08" East 23.94' to a calculated point and finally North 88°40'22" East 1.50' to a #4 Rebar with McAbee Identification Cap Set; thence leaving the said Southern Margin of the New 50' Right of Way over Summit Avenue and turning perpendicular toe and toward the presently existing Southern Margin of the 100' Right of Way over Summit Avenue South 03°56'23" West 40.30' to a #4 Rebar with McAbee Identification Cap Set on the Southern Margin of the presently existing 100' Right of Way over Summit Avenue and at the North Eastern Corner of Lot 7, Block 11, recorded in Plat Book 1 Page 62; thence following the Southern Margin of the said presently existing 100' Right of Way over Summit Avenue North 86°03'37" West 85.18' to a #4 Rebar with McAbee Identification Cap Set at the North Western Corner of the said Lot 7, Block 11; thence continuing with the Southern Margin of the said presently existing 100' Right of Way over Summit Avenue North 86°03'37" West passing seven #4 Rebars with McAbee Identification Caps Set at 50' intervals along the said line (rebars marking the Northern Corners of Lots 9,11,13,15,17,1 and the North Eastern Corner of Lot 3, Block 10, as recorded in Plat Book 1 Page 62) for a total distance of 400.00' to the Point and Place of Beginning.

Containing 0.305 acres / 13,291 square feet.

Area #4
Summit Avenue City of Asheville Public Right of Way (That Portion of Summit Avenue lying directly to the South of the 1.60 Acre Lot shown and recorded in Plat Book 92 Page 187):

Beginning at a #4 Rebar with McAbee Identification Cap Found on the presently existing Northern Margin of the 100' Right of Way over Summit Avenue at the South Western Corner of the 1.60 Acre Lot shown and recorded in Plat Book 92 Page 187; said #4 rebar bearing NC Grid Coordinates (NAD83-1986) of: Northing= 651,030.93' and Easting= 950,416.85'; thence from the point of beginning and following the Northern Margin of the said presently existing 100' Right of Way over Summit Avenue South 86°05'38" East 280.42' to a #4 Rebar with McAbee Identification Cap Set on the Northern Margin of the said presently existing 100' Right of Way and at the South Eastern Corner of the said 1.60 Acre Lot;

thence turning away from and perpendicular to the said presently existing Northern Margin of Summit Avenue South 03°54'22" West 14.77' to a #4 Rebar with McAbee Identification Cap Set on the New Northern Margin of Summit Avenue, said New Margin being located 25' from the centerline of Summit Avenue (as it is presently constructed on the ground) and creating the Northern Margin of the New 50' Public Right of Way over Summit Avenue; thence following the Northern Margin of the said New 50' Right of Way over Summit Avenue, and at all points being located 25' from the centerline of Summit Avenue as it is presently constructed, the following six courses and distances: South 84°34'08" West 4.95' to a calculated point, South 84°28'36" West 26.04' to a calculated point, South 89°53'50" West 41.09' to a calculated point, North 88°38'24" West 36.65' to a calculated point, North 86°23'28" West 55.13' to a calculated point, North 86°10'13" West 117.12' to a #4 Rebar with McAbee Identification Cap Set; thence leaving the said Northern Margin of the New 50' Right of Way over Summit Avenue and turning perpendicular to and toward to the presently existing Northern Margin of the 100' Right of Way over Summit Avenue North 03°54'22" East 24.78' to the Point and Place of Beginning.

Containing 0.149 acres / 6,505 square feet.

2. A public hearing on the question of permanently closing portions of excessive Summit Avenue right of way and an unopened right-of-way between Summit and Allen Avenues;, thereby called for on January 14, 2014, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on January 14, 2014.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

Martha McAbee
City Attorney

Magdalen Bourleson
City Clerk

25

RESOLUTION NO. 13-256

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MCGILL ASSOCIATES FOR ENGINEERING SERVICES ASSOCIATED WITH THE NORTH FORK WATER TREATMENT PLANT GENERATOR TRANSFER SWITCH PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage; and

WHEREAS, McGill Associates was selected by Staff pursuant to a Request for Qualifications process to perform engineering services related to the North Fork Water Treatment Plant Generator Transfer Switch Project for the estimated amount of $74,100.00 plus a contingency amount of $8,400.00 for a total project budget of $82,500.00; and

WHEREAS, the use of McGill Associates will ensure timely completion and provide the City of Asheville with the ability to upgrade critical emergency power capabilities as part of the North Fork Water Treatment Plant Generator Transfer Switch Project.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a professional services agreement with McGill Associates. for engineering services for the estimated amount of $74,100 plus a contingency amount of $8,400 for a total project budget of $82,500 for the North Fork Water Treatment Plant (NFWTP) Generator Transfer Switch Project.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

Martha McKibben
City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 13-257

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT AND ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RECREATION TRAILS PROGRAM GRANT FOR CONSTRUCTION COSTS FOR THE BEAUCATCHER GREENWAY

WHEREAS, pursuant to G.S 160A-17.1 the City of Asheville is authorized to apply for and accept grants from the Federal and State government; and

WHEREAS, the City of Asheville is committed to the development and construction of Beaucatcher Greenway; and

WHEREAS, funds are available from the State of North Carolina through the Department of Environment and Natural Resources, Division of Parks and Recreation in the Recreation Trails Program; and

WHEREAS, the City of Asheville is requesting a grant in the amount not to exceed $100,000 from the Recreation Trails Program which requires cash, in-kind, or force labor match of 25 percent of the requested amount valued at $25,000; and

WHEREAS, in the event a grant is awarded, the City of Asheville certifies and assures it has the ability and intention to provide the 25 percent match of the grant amount; and

WHEREAS, the City of Asheville agrees to comply with all State and Federal permits and applicable laws; and

WHEREAS, the City of Asheville will hold the State harmless of any damage that may result from the construction, operation, and maintenance of the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager shall be authorized to apply for and enter into an agreement with the N.C. Dept. of Environment and Natural Resources Recreation Trails Program for a grant not to exceed $100,000 for the construction of the Beaucatcher Greenway.

Read, approved, and adopted this 10th day of December 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McKlenon
City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 13-258

RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A GRANT AND ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR CONSTRUCTION COSTS FOR THE DR. WESLEY GRANT, SR. SOUTHSIDE CENTER

WHEREAS, pursuant to G.S 160A-17.1 the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, the City of Asheville is committed to the development and construction of the Dr. Wesley Grant, Sr. Southside Center; and

WHEREAS, funds are available from the State of North Carolina through the Department of Environment and Natural Resources, Division of Parks and Recreation in the North Carolina Parks and Recreation Trust Fund; and

WHEREAS, the City of Asheville is requesting a grant in the amount not to exceed $500,000 from the North Carolina Parks and Recreation Trust Fund which requires a dollar for dollar cash match; and

WHEREAS, in the event a grant is awarded, the City of Asheville certifies and assures it has the ability and intention to provide the dollar for dollar cash match of the grant amount; and

WHEREAS, the City of Asheville agrees to comply with all State and Federal permits and applicable laws; and

WHEREAS, the City of Asheville will hold the State harmless of any damage that may result from the construction, operation, and maintenance of the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is authorized to apply for and enter into an agreement with the North Carolina Department of Environment and Natural Resources for a grant not to exceed $500,000 for construction of the Dr. Wesley Grant, Sr. Southside Center.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McMahon
City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 13-259

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TELECOMMUNICATION AND INDUSTRIAL CONSULTING SERVICES CORPORATION FOR RIGHT-OF-WAY ACQUISITION SERVICES FOR THE HENDERSONVILLE ROAD SIDEWALK CONSTRUCTION PROJECT

WHEREAS, the City is authorized to enter into contracts with private entities pursuant to NCGS §160A-20.1; and

WHEREAS, in order to implement the Hendersonville Road Sidewalk Construction Project, the City will need to acquire rights of way from private property owners; and

WHEREAS, the City issued a Request for Proposals for services to acquire rights-of-way for the Hendersonville Road Sidewalk Construction Project; and

WHEREAS, ten (10) proposals were received on November 4, 2013; and

WHEREAS, these proposals were evaluated by a five (5) person panel based upon qualifications and pricing; and

WHEREAS, the highest scoring proposal was submitted by Telecommunication and Industrial Consulting Services Corporation (TELICS); and

WHEREAS, City staff recommends the award of a contract not to exceed the amount of $180,000 with TELICS;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract with TELICS not to exceed the amount of $180,000, or the budgeted amount.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McKibbon
City Attorney

Magdalen Burleson
City Clerk

29

RESOLUTION NO. 13- 260

RESOLUTION APPROVING ACCEPTANCE OF THE EMERGENCY SOLUTIONS GRANT FUNDING AND TO PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the State of North Carolina will receive and administer Emergency Solution Grant (ESG) funds for FY 2013 and 2014 from the US Department of Housing and Urban Development; and

WHEREAS, the State has made these funds available to Continuum of Cares in the State, and required that each Continuum of Care submit one regional application for ESG funds ; and

WHEREAS, the City of Asheville has agreed to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services; and

WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has approved the application for $159,247 submitted by the City for these funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville accept the Emergency Solutions Grant;

2. The City of Asheville serve as fiscal agent for the program, and enter into a contract with the State of North Carolina for ESG funds; and further subcontract with individual agencies for approved ESG programs in amounts authorized by the State;

3. Council authorizes the City Manager to sign all necessary contract documents with the State of North Carolina and subgrant agreements with funded agencies, after approval by the City Attorney.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved As To Form:
Martha McSlolan
CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 13- 261

AUTHORIZING THE CITY MANAGER TO SIGN A CHANGE ORDER WITH BOLTON CONSTRUCTION & SERVICE OF WNC, INC. FOR THE CONSTRUCTION OF THE MONTFORD RECREATION CENTER GYM FLOOR REPLACEMENT

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City has determined the existing entry at the Montford Recreation Center is not accessible per ADA guidelines and the basketball goals have exceeded their life expectancy; and

WHEREAS, the City has identified the need for a code compliant accessible route, doors/hardware, and new basketball goals/backboards, and has planned to complete the project in FY14 under the deferred maintenance program; and

WHEREAS, Bolton Construction & Service of WNC, Inc. is the current contractor on the project and will provide the additional construction services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a change order in the amount of $29,000.00 to increase the construction services contract for Bolton Construction of WNC Inc., from a total amount of $130,000.00 to $159,000.00 for the Montford Gym Flooring Replacement Project.

Read, approved and adopted this the 10TH day of December, 2013.

Magdalen Bullerson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

Martha McKlobe
City Attorney

Magdalen Bullerson
City Clerk

31

RESOLUTION NO. 13-262

RESOLUTION AUTHORIZING AN AMENDMENT TO THE TERMS OF THE CONTRACT BETWEEN THE CITY AND MOUNTAIN HOUSING OPPORTUNITIES FOR THE USE OF HOME PARTNERSHIP ACT FUNDS FOR THE EAGLE MARKET PLACE PROJECT

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, The City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2010-2015;

WHEREAS, on May 10, 2011 City Council approved an amended Annual Action Plan for the use of these funds in 2011-2012; and

WHEREAS, Mountain Housing Opportunities (MHO) was granted $462,600 in HOME funds for the Eagle Market Place development project; and

WHEREAS, MHO has requested a change in terms of that contract,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A change in contract terms for the federal HOME grant for Eagle Market Place is authorized as follows:

1) Funds may be used for any eligible HOME cost;

2) Funds may be drawn as needed for the project;

3) Mountain Housing Opportunities will be required to repay the HOME funds to the City in full from non-federal sources if the HOME units specified in the contract are not completed within four years of the original commitment;

4) Council authorizes the City Manager to sign the amendment after approval by the City Attorney.

Read and approved and adopted this 10th day of December, 2013.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

City Clerk

263

RESOLUTION NO. 13 -_____

RESOLUTION APPROVING A WRITTEN EXEMPTION FROM THE RFQ PROCESS IN THE CASE OF CONSTRUCTION MANAGEMENT SERVICES FOR EAGLE MARKET PLACE

WHEREAS, the City of Asheville is providing significant financial support to the Eagle Market Place (EMP) project for the purpose of creating affordable housing and revitalizing the "Block"; and

WHEREAS, it is in the best interest of the City to assist with construction management to keep the project on schedule and under budget; and

WHEREAS, North Carolina General Statute §143.64.31 specifies the process that local governments must follow in selecting consultant to provide certain types of professional services; and

WHEREAS, North Carolina General Statute §143-64.32 allows for the written exemption of particular projects from the provisions of N.C.G.S.§143-64.31 in the case of proposed projects where an estimated professional fee is in an amount less than fifty thousand dollars ($50,000); and

WHEREAS, Kimley-Horn has provided similar professional services for the City of Asheville on the parking garage at 51 Biltmore Avenue and has been determined to be qualified to perform this work; and

WHEREAS, the project will include 62 affordable housing units of which the City is a financial contributing party to the construction; and

WHEREAS, the professional services and contact with Kimley-Horn will not exceed $49,500;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby approves an exemption from the RFQ process in the case of construction management services provided by Kimley- Horn for Eagle Market Place in a contract amount not to exceed $49,500.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

Martha McAbee
City Attorney

Magdalen Bowleson
City Clerk

33

RESOLUTION NO. 13-264

RESOLUTION ACCEPTING THE REPORT PREPARED FOR THE CITY OF ASHEVILLE REPETITIVE LOSS AREAS ANALYSIS

WHEREAS, Buncombe County has performed a comprehensive review and evaluation of each section of the previously approved All-hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management, and

WHEREAS, participation in the Community Rating System application process requires a more detailed and comprehensive analysis not included in the adopted Buncombe County All-Hazard Mitigation Plan, and

WHEREAS, in order to secure and promote public safety and welfare, as well as other adopted goals, participation in the Community Rating System Program has been deemed valuable; and

WHEREAS, the City of Asheville previously entered into a contract for engineering services with Brown and Caldwell to perform a Repetitive Loss Area Analysis to be included in the Community Rating System application; and

WHEREAS, Brown and Caldwell has completed the Repetitive Loss Area Analysis and prepared a report identifying repetitive loss properties and defined the repetitive loss areas;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville hereby receives and accepts the report prepared by Brown and Caldwell for the City of Asheville Repetitive Loss Areas Analysis, and authorizes its submission to the Insurance Services Office and the Federal Emergency Management Agency as part of an application to join the Community Rating System Program.

Read, approved and adopted this the 10th day of December, 2013.

Magdalen Bowerson
City Clerk

Mayor

Approved as to form:

Martha McAbee
City Attorney

Magdalen Bowerson
City Clerk

RESOLUTION NO. 13- 265

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL

WHEREAS, as Mayor Terry Bellamy is no longer a member of the Asheville City Council, there currently exists a vacancy on the Asheville-Buncombe Community Relations Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilman Gordon Smith be and he is hereby appointed as a voting member to the Asheville-Buncombe Community Relations Council to serve a term according to the length of his Council term of office.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

Martha W McMahon
CITY ATTORNEY

Magdalen Bulleson
City Clerk

35

RESOLUTION NO. 13- 266

RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

WHEREAS, the term of Esther Manheimer, as a member of the Metropolitan Sewerage District Board of Directors, expires on January 19, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Esther Manheimer, currently Mayor, be and is hereby reappointed to serve a three-year term, to expire January 19, 2017, or until her successor has been appointed.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bowleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

Martha McMahon
City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 13-267

RESOLUTION APPOINTING THE CHAIRMAN TO THE POLICE OFFICERS AND FIREFIGHTERS DISABILITY REVIEW BOARD

WHEREAS, there is a need to appoint the Vice-Mayor to serve as the Chairman of the Police Officers and Firefighters Disability Review Board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Vice-Mayor Marc Hunt be and he is hereby appointed as the City Council representative, to serve as Chairman, to the Police Officers and Firefighters Disability Review Board to serve a term according to the length of his Vice-Mayor term of office.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

Nathan McGlohon
CITY ATTORNEY

Magdalen Bulleson
City Clerk

37

RESOLUTION NO. 13-268

RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, Councilman Gordon Smith has resigned from the ex-officio non-voting member on the Buncombe County Tourism Development Authority, thus creating a vacancy for a City Council representative;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilman Jan Davis be and he is hereby appointed as the ex-officio non-voting City Council representative on the Buncombe County Tourism Development Authority to serve a term according to the length of his Council term of office.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

Martha W. McElveen
CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 13-269

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, Councilman Jan Davis has resigned as a member of the Asheville Area Riverfront Redevelopment Commission, thus creating a vacancy for the City Council ex-officio voting member;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mayor Esther Manheimer be and she is hereby appointed to the Asheville Area Riverfront Redevelopment Commission to serve in an ex-officio voting member capacity until she is no longer a member of the Asheville City Council.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Burleson
CITY CLERK

Esther Manheimer
MAYOR

Approved as to form:

Martha W. McAllaston
CITY ATTORNEY

Magdalen Burleson
City Clerk

39

RESOLUTION NO. 14-1

RESOLUTION APPROVING THE ACCEPTANCE OF A 6,000 GALLON ABOVE GROUND FUEL STORAGE TANK AS A GIFT AND AUTHORIZING CITY STAFF TO TAKE THE NECESSARY STEPS TO RELOCATE THE TANK AND GET IT READY FOR USE

WHEREAS, pursuant to NCGS §160A-274, a governmental unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, sell to, or purchase from any other governmental unit any interest in real or personal property; and

WHEREAS, the National Guard Armory in Sylva, North Carolina has a used 6,000 gallon above ground fuel storage tank that is no longer needed; and

WHEREAS, through the efforts of Mr. Jerry VeHaun, Director of Emergency Services for Buncombe County, the National Guard Armory in Sylva, N.C., is offering to give the tank to the City of Asheville; and

WHEREAS, City staff is requesting that the gift be accepted with gratitude to Mr. VeHaun and the National Guard Armory in Sylva; and

WHEREAS, the City of Asheville will cover all costs associated with relocating and setting the tank up for use; and

WHEREAS, the City of Asheville has a demonstrated need for the tank to increase its fuel storage capacity and to improve operational efficiencies for the City's transit system;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville hereby accepts a 6,000 gallon above ground fuel storage tank from the National Guard Armory in Sylva, North Carolina, and staff is directed to take the necessary steps to relocate the tank and get it ready for use.

2. The City Manager is hereby authorized to execute any paperwork needed to accept the gift.

Read, approved, and adopted this the 14th day of January 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14 - 2

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SPECIAL MAINTENANCE AGREEMENT BETWEEN THE N.C. DEPT. OF TRANSPORTATION AND THE CITY OF ASHEVILLE TO ALLOW PUBLIC PARKING UNDER A SECTION OF BRIDGE # 322 AND # 323 IN THE RIVER ARTS DISTRICT

WHEREAS, the City of Asheville has requested that the North Carolina Department of Transportation grant permission to the City to use the area under Bridge # 322 and # 323 (I-26, I-240, US 19-23, and US 74-A); and

WHEREAS, the North Carolina Department of Transportation has granted permission to the City for said location to be used as a public parking area;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

That said special maintenance agreement is hereby formally approved by the City Council of the City of Asheville and that the City Manager and Clerk of this City are hereby empowered to sign and execute the special maintenance agreement with the North Carolina Department of Transportation to allow public parking under a section of bridge # 322 and # 323 in the River Arts District.

Read, approved and adopted this the 14th day of January 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

41

RESOLUTION NO. 14- 3

RESOLUTION AUTHORIZING THE FEE SIMPLE ACQUISITION OF A 0.013 ACRE PORTION OF REAL PROPERTY AND A 0.051 ACRE PORTION OF REAL PROPERTY FOR THE PURPOSE OF INSTALLING SIDEWALK ALONG AZALEA ROAD AND NC 81 AS PART OF THE LAKE CRAIG/AZALEA ROAD PROJECT

WHEREAS, the City of Asheville (City) is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, in order to implement the Lake Craig/Azalea Road Improvement Project, the City may need to acquire various interests in real property from private property owners;

WHEREAS, Azalea Park and the John B. Lewis Soccer Complex is a regional attraction and is in need of transportation improvements, including bike, pedestrian and vehicular facilities; and

WHEREAS, Azalea Park and the John B. Lewis Soccer Complex is in much need of a connection to a water supply system; and

WHEREAS, a 0.013 acre portion of property on NC 81, identified as a portion of PIN # 9668-15-1194 and 0.051 acre portion of property located at the intersection of NC 81 and Azalea Road, identified as a portion of PIN #9668-15-2008, is necessary to implement the Lake Craig/Azalea Road Improvement Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be and is hereby authorized to execute any and all documents to acquire by gift, grant, devise, exchange, or otherwise, any and all interest in private real property as needed for the implementation of the Lake Craig/Azalea Road Project that falls within the meaning and intent of this authorization.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-4

RESOLUTION AUTHORIZING THE ADOPTION OF THE 2012 LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute section 143-355(l), requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Asheville (PWSID #: 01-11-010), has been developed and submitted to the Asheville City Council for approval; and

WHEREAS, the Asheville City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute section 143-355(l), and that it will provide appropriate guidance for the future management of water supplies for the City of Asheville, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The 2012 Local Water Supply Plan for the City of Asheville is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

That the City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McKlohon
City Attorney

Magdalen Burleson
City Clerk

43

RESOLUTION NO. 14-5

RESOLUTION AMENDING THE 2014 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council will hold their annual retreat on February 7-8, 2014, beginning at 9:00 a.m. in the U.S. Cellular Center's Banquet Hall.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14- 6

RESOLUTION TO ACCEPT A HUD CONTINUUM OF CARE PLANNING PROJECT GRANT AND TO PROVIDE FUNDING TO COMMUNITY DEVELOPMENT DIVISION FOR THE HOMELESS INITIATIVE

WHEREAS, the Asheville-Buncombe Continuum of Care, NC-501, will receive and administer Continuum of Care (CoC) funds for FY 2012 (contracted for FY13-14) from the US Department of Housing and Urban Development; and

WHEREAS, the Federal Government has made these funds available to Continuum of Cares in the State, and made Collaborative Applicants eligible for Planning Project funds; and

WHEREAS, the City of Asheville has agreed to serve as the Collaborative Applicant for NC-501; and

WHEREAS, the Department of Housing and Urban Development, Special Needs Assistance Projects office has approved the application for $13,180 submitted by the City for these funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville accept the Continuum of Care Grant Planning Project funds;

2. The City of Asheville serve as fiscal agent for the program, and enter into a contract with the US Department of Housing and Urban Development;

3. Council authorizes the City Manager to sign all necessary contract documents with the US Department of Housing and Urban Development;, after approval by the City Attorney.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Bruleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bruleson
City Clerk

RESOLUTION NO. 14-7

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

WHEREAS, the terms of Douglas Hattaway (Regular member), Mac Swicegood (Alternate member), and David Brown (Regular member) as members on the Board of Adjustment, expired on January 21, 2014; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Douglas Hattaway, 21 Captains Drive, Candler, N.C. be and he is hereby appointed, as a Regular member to the Board of Adjustment, to serve a three year term, term to expire January 21, 2017, or until his successor has been appointed.

(2) Mr. Mac Swicegood, 86 Gibson Road, Asheville, N.C., be and he is hereby reappointed, as an Alternate member to the Board of Adjustment, to serve a three year term, term to expire January 21, 2017, or until her successor has been appointed.

(3) Mr. David Brown, 522 Pinchot Drive, Asheville, N.C., be and he is hereby reappointed, as a Regular member to the Board of Adjustment, to serve an additional three year term, term to expire January 21, 2017, or until his successor has been appointed.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Burleson
CITY CLERK

Edwin Marks
MAYOR

Approved as to form:

Martha McMahon
CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-8

RESOLUTION TO PERMANENTLY CLOSE PORTIONS OF EXCESSIVE RIGHT-OF-WAY ALONG SUMMIT AVENUE AND THE UNOPENED RIGHT-OF-WAY BETWEEN SUMMIT AND ALLEN AVENUES

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-299 to permanently close streets or alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close a portion of excessive Summit Avenue right-of-way and an unopened right-of-way between Summit and Allen Avenues; and

WHEREAS, City Council on the 10th day of December 2013 adopted a resolution of intent to permanently close portions of excessive Summit Avenue right-of-way and an unopened right-of-way between Summit and Allen Avenues, and ordered a public hearing on the question of the closing for the 14th day of January 2014 at its regular meeting on the 2nd floor of the City Hall Building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order for public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit presented to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was place at two locations along said portion of excessive Summit Avenue right-of-way and an unopened right-of-way between Summit and Allen Avenues; and

WHEREAS, the Multimodal Transportation Commission approved the closure subject to the condition that the developer consider providing multimodal improvements as part of the improvements of the development project; and

WHEREAS, at said public hearing no objections were made that the proposed closing of excessive Summit Avenue right-of-way and an unopened right-of-way between Summit and Allen Avenues would deprive any individual owning property in the vicinity in which said closures is located of reasonable means of ingress and regress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to the North Carolina General Statutes Section 160A-299, the excessive Summit Avenue right-of-way and an unopened right-of-way between Summit and Allen Avenues as herein described below is permanently closed to public.

Area #1
Cross Street City of Asheville Public Right of Way (That Portion of Cross Street lying between lots 2 and 18 as shown and recorded in Plat Book 1 Page 62):

Beginning at a #5 Rebar (being 0.3' below the adjacent grade) located at the intersection of the eastern margin of the presently existing and unopened Cross Street and the Northern Margin of Allen Avenue and at the South Western Corner of Lot 18, Block 11, as shown in Plat Book 1 Page 62; said #5 rebar bearing NC Grid Coordinates (NAD83-1986) of: Northing= 650,618.61' and Easting= 950,365.05'; thence from the point of beginning and running with the northern margin of Allen Avenue North 86°09'28" West 50.00' to a #4 Rebar with McAbee Identification Cap Set at the intersection of the said Northern Margin of Allen Avenue and the Western Margin of the said Unopened Cross Street at the South Eastern Corner of Lot 2, Block 10, recorded in Plat Book 1 Page 62; thence leaving the Northern Margin of Allen Avenue and running with the Western Margin of the unopened Cross Street North 04°05'38" East 150.56' to a ¾" Diameter Iron Pipe (Flush with Adjacent Grade) marking the North Eastern Corner of the said Lot 2, Block 10, and being further located at the intersection of the Western Margin of the said unopened Cross Street and the Southern Margin of the 15' unopened Alleyway depicted on Plat 1 Page 62; thence with the Southern Margin of the said 15' unopened Alleyway South 85°13'12" East 49.41' to a #4 Rebar with McAbee Identification Cap Set at the North Western Corner of the said Lot 18 Block 11, and being further located at the intersection of the Eastern Margin of the said unopened Cross Street and the Southern Margin of the said 15' unopened Alleyway; thence leaving the Alleyway and running with the Eastern Margin of the said unopened Cross Street South 03°51'59" West 149.74' to the Point and Place of Beginning.

Containing 0.171 acres / 7,463 square feet.

Area #2
Cross Street City of Asheville Public Right of Way (That Portion of Cross Street lying between lots 1 and 17 as shown and recorded in Plat Book 1 Page 62):

Beginning at a #4 Rebar with McAbee Identification Cap Set at the intersection of the presently existing Southern Margin of the 100' Right of Way over Summit Avenue and the Eastern Margin of the presently existing and unopened Cross Street and at the North Western Corner of the Lot 17, Block 11, as shown in Plat Book 1 Page 62; said #4 rebar bearing NC Grid Coordinates (NAD83-1986) of: Northing= 650,932.26' and Easting= 950,386.25'; thence from the point of beginning and running with the Eastern Margin of the said unopened Cross Street South 03°51'59" West 149.69' to a #4 Rebar with McAbee Identification Cap Set at the South Western Corner of the said Lot 17, a Block 11, nd being further located at the intersection of the Eastern Margin of the said unopened Cross Street and the Northern Margin of the 15' unopened Alleyway depicted on Plat 1 Page 62; thence with the Northern Margin of the said 15' unopened Alleyway North 85°11'32" West 49.35' to a #4 Rebar with McAbee Identification Cap Set at the South Eastern Corner of Lot 1, Block 10, recorded in Plat Book 1 Page 62 and being further located at the intersection of the Western Margin of the said unopened Cross Street and the Northern Margin of the said 15' unopened Alleyway; thence leaving the Alleyway and running

with the Western Margin of the said unopened Cross Street North 03°36'49" East 148.94' to a #4 Rebar with McAbee Identification Cap Set at the intersection of the presently existing Southern Margin of the said Summit Avenue and the Western Margin of the said unopened Cross Street and at the North Eastern Corner of the said Lot 1, Block 10; thence running with the presently existing Southern Margin of the said Summit Avenue South 86°03'37" East 50.00' to the Point and Place of Beginning.

Containing 0.170 acres / 7,417 square feet.

Area #3
Summit Avenue City of Asheville Public Right of Way (That Portion of Summit Avenue lying directly to the North of Lots 3,1,17,15,13,11,9 and 7 as shown and recorded in Plat Book 1 Page 62):

Beginning at a #4 Rebar with Hampton Identification Cap Found on the presently existing Southern Margin of the 100' Right of Way over Summit Avenue at the North Western Corner of Lot 3, Block 10, as shown in Plat Book 1 Page 62; said #4 rebar bearing NC Grid Coordinates (NAD83-1986) of: Northing= 650,942.56' and Easting= 950,236.64'; thence from the point of beginning and turning away from and perpendicular to the said presently existing Southern Margin of Summit Avenue North 03°56'23" East 25.36' to a #4 Rebar with McAbee Identification Cap Set on the New Southern Margin of Summit Avenue, said New Margin being located 25' from the centerline of Summit Avenue (as it is presently constructed on the ground) and creating the Southern Margin of the New 50' Public Right of Way over Summit Avenue; thence following the Southern Margin of the said New 50' Right of Way over Summit Avenue, and at all points being located 25' from the centerline of Summit Avenue as it is presently constructed, the following eight courses and distances: South 86°12'23" East 153.93' to a calculated point, South 86°10'13" East 137.15' to a calculated point, South 86°23'28" East 56.21' to a calculated point, South 88°38'24" East 38.27' to a calculated point, North 89°53'50" East 44.09' to a calculated point, North 84°29'06" East 30.98' to a calculated point, North 84°34'08" East 23.94' to a calculated point and finally North 88°40'22" East 1.50' to a #4 Rebar with McAbee Identification Cap Set; thence leaving the said Southern Margin of the New 50' Right of Way over Summit Avenue and turning perpendicular toe and toward the presently existing Southern Margin of the 100' Right of Way over Summit Avenue South 03°56'23" West 40.30' to a #4 Rebar with McAbee Identification Cap Set on the Southern Margin of the presently existing 100' Right of Way over Summit Avenue and at the North Eastern Corner of Lot 7, Block 11, recorded in Plat Book 1 Page 62; thence following the Southern Margin of the said presently existing 100' Right of Way over Summit Avenue North 86°03'37" West 85.18' to a #4 Rebar with McAbee Identification Cap Set at the North Western Corner of the said Lot 7, Block 11; thence continuing with the Southern Margin of the said presently existing 100' Right of Way over Summit Avenue North 86°03'37" West passing seven #4 Rebars with McAbee Identification Caps Set at 50' intervals along the said line (rebars marking the Northern Corners of Lots 9,11,13,15,17,1 and the North Eastern Corner of Lot 3, Block 10, as recorded in Plat Book 1 Page 62) for a total distance of 400.00' to the Point and Place of Beginning.

Containing 0.305 acres / 13,291 square feet.

Area #4
Summit Avenue City of Asheville Public Right of Way (That Portion of Summit Avenue lying directly to the South of the 1.60 Acre Lot shown and recorded in Plat Book 92 Page 187):

Beginning at a #4 Rebar with McAbee Identification Cap Found on the presently existing Northern Margin of the 100' Right of Way over Summit Avenue at the South Western Corner of the 1.60 Acre Lot shown and recorded in Plat Book 92 Page 187; said #4 rebar bearing NC Grid

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Coordinates (NAD83-1986) of: Northing= 651,030.93' and Easting= 950,416.85'; thence from the point of beginning and following the Northern Margin of the said presently existing 100' Right of Way over Summit Avenue South 86°05'38" East 280.42' to a #4 Rebar with McAbee Identification Cap Set on the Northern Margin of the said presently existing 100' Right of Way and at the South Eastern Corner of the said 1.60 Acre Lot; thence turning away from and perpendicular to the said presently existing Northern Margin of Summit Avenue South 03°54'22" West 14.77' to a #4 Rebar with McAbee Identification Cap Set on the New Northern Margin of Summit Avenue, said New Margin being located 25' from the centerline of Summit Avenue (as it is presently constructed on the ground) and creating the Northern Margin of the New 50' Public Right of Way over Summit Avenue; thence following the Northern Margin of the said New 50' Right of Way over Summit Avenue, and at all points being located 25' from the centerline of Summit Avenue as it is presently constructed, the following six courses and distances: South 84°34'08" West 4.95' to a calculated point, South 84°28'36" West 26.04' to a calculated point, South 89°53'50" West 41.09' to a calculated point, North 88°38'24" West 36.65' to a calculated point, North 86°23'28" West 55.13' to a calculated point, North 86°10'13" West 117.12' to a #4 Rebar with McAbee Identification Cap Set; thence leaving the said Northern Margin of the New 50' Right of Way over Summit Avenue and turning perpendicular to and toward to the presently existing Northern Margin of the 100' Right of Way over Summit Avenue North 03°54'22" East 24.78' to the Point and Place of Beginning.

Containing 0.149 acres / 6,505 square feet.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McGlohon
City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-9

RESOLUTION AUTHORIZING A SUBSTANTIAL AMENDMENT OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2011-2012

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, The City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2010-2015; and

WHEREAS, on April 26, 2011 City Council approved an Annual Action Plan for the use of these funds in 2012-2013; and

WHEREAS, the Housing and Community Development Committee has made a recommendation, consistent with the Strategic Plan, to amend the Action Plan for the fiscal year 2011-2012;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Consolidated Annual Action Plan 2011-2012 be amended as follows:

    a. Allocation of $40,037 to the Housing Authority of the City of Asheville is repurposed for the development of infrastructure at the Reid Center supporting its use as a community facility for workforce development.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved As To Form:

Martha McMahon
CITY ATTORNEY

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 14-10

RESOLUTION ADOPTING A REVISION TO THE RIVER DISTRICT DESIGN GUIDELINES

WHEREAS, City Code Sec. 7-3-10(a) provides that the City Council shall adopt guidelines application to certain development projects in the River District Design Review Area, and further provides in Sec. 7-5-18 that said projects shall be reviewed for consistency with the guidelines; and

WHEREAS, City Council adopted the River District Design Guidelines on February 3, 1998 by resolution no. 98-11; and

WHEREAS, City Staff has created a new River District Review Area Map to be incorporated into the River District Design Guidelines which expands the area of review to include both River District zoned properties and other zoned properties within the riverfront development area, and has reviewed said map in public meetings with citizens and owners of property within the riverfront area; and

WHEREAS, on August 28, 2013, the River District Design Review Committee unanimously recommended to the Asheville Area Riverfront Redevelopment Commission and City Council that a new River District Review Map Area, that aligns with the geography of the City's riverfront area redevelopment efforts rather than being based on River District zoning, be adopted and incorporated into the River District Design Review Guidelines;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The River District Design Guidelines dated February 3, 1998 be revised to include a new River District Review Area Map, attached hereto as Exhibit A, and hereby adopted by the Asheville City Council.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Burleson
City Clerk

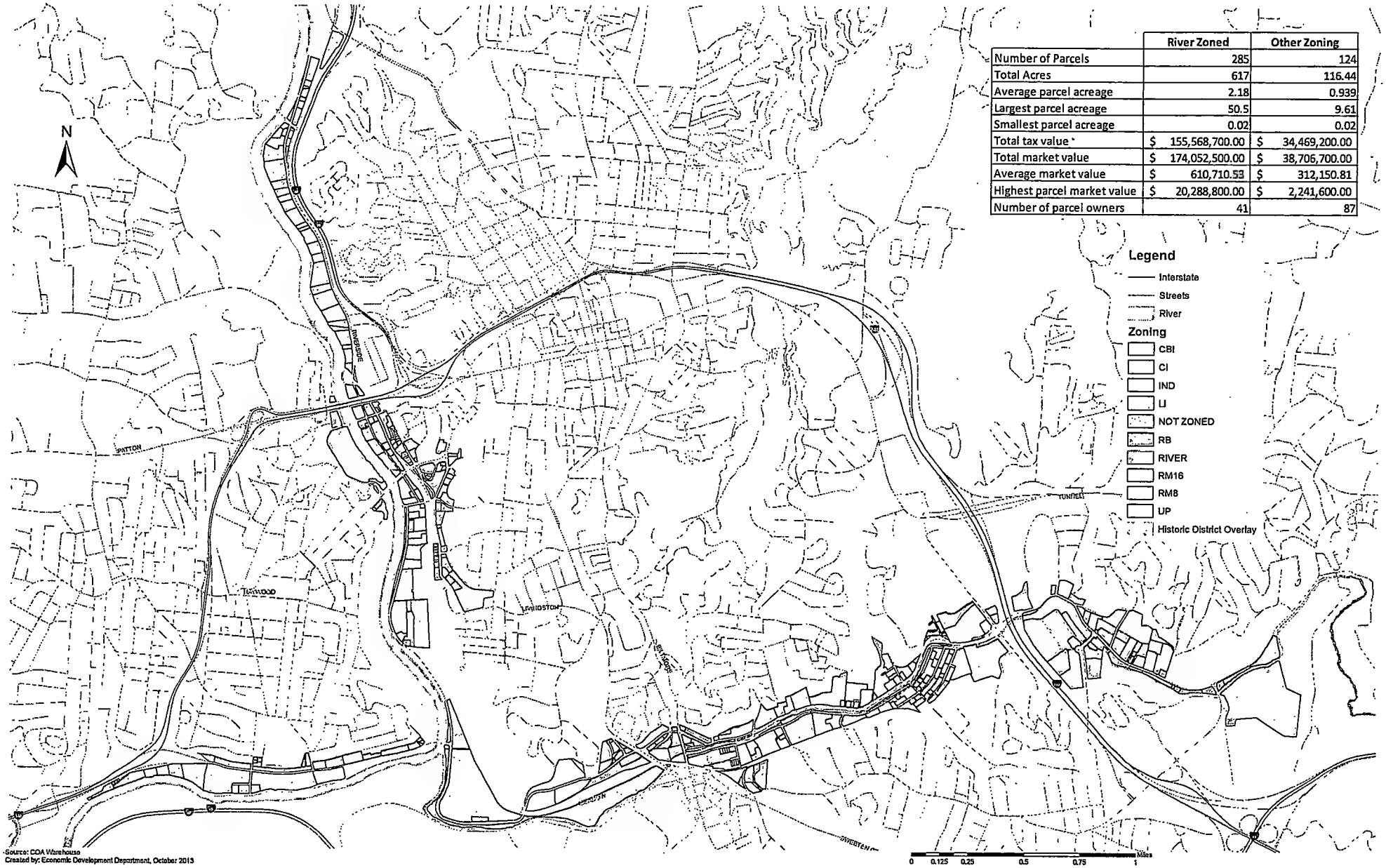
Mayor

Approved as to form:

Martha McGlohon
City Attorney

Magdalen Burleson
City Clerk

RIVER DISTRICT DESIGN REVIEW PARCEL ZONING



	River Zoned	Other Zoning
Number of Parcels	285	124
Total Acres	617	116.44
Average parcel acreage	2.18	0.939
Largest parcel acreage	50.5	9.61
Smallest parcel acreage	0.02	0.02
Total tax value	$ 155,568,700.00	$ 34,469,200.00
Total market value	$ 174,052,500.00	$ 38,706,700.00
Average market value	$ 610,710.53	$ 312,150.81
Highest parcel market value	$ 20,288,800.00	$ 2,241,600.00
Number of parcel owners	41	87

Source: COA Warehouse
Created by: Economic Development Department, October 2013

Exhibit A
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RESOLUTION NO. 14-11

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CDM SMITH FOR ENGINEERING AND DESIGN SERVICES FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City Council has programmed the RADTIP in the City's Capital Improvements program; and

WHEREAS, City Council directed staff to continue steps toward implementation of the RADTIP;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract with CDM Smith for $2,186,000 for the River Arts District Transportation Improvement Project engineering and design services and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 14th day of January, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

CITY RESOLUTION NO. 14-12

COUNTY RESOLUTION NO. _____

RESOLUTION ESTABLISHING A JOINT CITY/COUNTY AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, the Asheville City Council and the Buncombe County Board of Commissioners have authority to establish advisory boards and commissions pursuant to N.C.G.S. § 160A-146 and N.C.G.S. § 153A-76, respectively; and

WHEREAS, the African American community has been an integral part of Asheville and Buncombe County since the 1780's; and

WHEREAS, the North Carolina African American Heritage Commission has been in existence for about three years and is held in the highest regard; and

WHEREAS, the Asheville City Council and the Buncombe County Board of Commissioners have determined that it is in the public interest to establish a commission to advise the Asheville City Council and the Buncombe County Board of Commissioners on issues concerning the enhancement of the economic, social, cultural and educational lives of African Americans in Asheville and throughout Buncombe County; and

WHEREAS, according to a grass roots committee desiring to establish the African American Heritage Commission as a joint commission of the City of Asheville and the County of Buncombe, the following are historical facts of African Americans in Asheville and Buncombe County:

1. One of the first enslaved persons of African heritage (a teenage girl owned by Samuel Davidson), settled in the Swannanoa Valley in 1784.

2. Pack Square was the site of the first and second Buncombe County courthouse and was the same location where enslaved people were sold on the courthouse steps and bills of sale recorded inside at the Register of Deeds. Except for the recent publication of these records, there has been little or no public acknowledgement given to the existence of the institution of slavery in Asheville and Buncombe County and very little public recognition of the many contributions of African Americans to the life, culture, and economic development of this area.

3. Prior to 1865, slave labor contributed to the building of many of the early roadways and buildings in Asheville and Buncombe County including the Buncombe Turnpike, the Eagle Hotel, the Smith McDowell House, along with area churches and commercial and industrial buildings.

4. After 1865, African Americans continued to contribute to economic and cultural development along with the overall vitalization of Buncombe County and the City of Asheville, North Carolina as: farmers, building contractors, skilled laborers (carpenters, cabinet makers, iron workers, stone and brick masons), educators, clergy, business owners, lawyers, physicians, hospitality workers (including chamber maids, housekeepers, and chefs), artists and musicians, and more.

WHEREAS, a commission on the history of African Americans is the desired means to discover, develop, promote and implement projects and programs to recognize African American history in Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE, THE CITY COUNCIL OF ASHEVILLE, THE COUNTY OF BUNCOMBE AND THE BUNCOMBE BOARD OF COMMISSIONERS THAT A JOINT AFRICAN AMERICAN HERITAGE COMMISSION BE ESTABLISHED AS FOLLOWS:

1. **Creation**. It is declared that the public welfare and interest of the citizens and residents of the City of Asheville and Buncombe County will be served by the establishment of a commission to advise the City Council and County Commissioners about the preservation, interpretation, and promotion of African-American arts, history and culture. To that end, there is hereby established a joint African American Heritage Commission (herein "Commission").

2. **Membership**. The Commission shall consist of nine members with representation as follows:
    a. Three seats to be appointed by Asheville City Council;
    b. Three seats to be appointed by the Buncombe County Board of Commissioners;
    c. The remaining three seats will be appointed by the six appointed members.

3. **Criteria**. In appointing members to the Commission, the following criteria will be considered essential:

    a. Affiliations with significant African American institutions in Asheville and Buncombe County
    b. Diversity within the members by age range, affiliations (local, regional, national), professional expertise, and area of town or county where they reside.
    c. Willingness to be an active participant in meetings, expending an estimated three (3) hours or more a month in Commission business.

4. **Term**: Except for initial terms as provided for herein, the term of office shall be three (3) years. In order to establish a staggered Commission, the initial three appointments by the City, the County and the Commission, respectively, shall be designated by each appointing body as being for one, two or three years. All initial terms shall be deemed to commence as of the appointment of the ninth member. Appointees shall not serve more than six (6) consecutive years, although members may be reappointed after having been off the Commission for at least one (1) year.

5. **Powers and Duties**. The Commission shall have the following powers and duties:

   a. Develop rules for the conduct of its business, including but not limited to meeting schedules, election of officers, voting, subcommittees, et al.

   b. Develop a plan to identify, create, encourage, promote and implement projects that will recognize, increase and expand the awareness of the contributions of African-Americans throughout the City-County area.

   c. Create plans to identify and recognize sites in the community that are significant to African-American history; encourage and promote economic activity related to the African American community; and propose other projects that are consistent with the goals of the Commission.

6. **Reports to Asheville City Council and the Buncombe County Commissioners**. Within 180 days from date of the commencement of the initial terms, the Commission shall provide a written progress report to Asheville City Council and the Buncombe County Commissioners setting forth the Commission's plan for carrying out its powers and duties as set forth above. Additionally, to the extent that the carrying out of the Commission's powers and duties require funding from the Asheville City Council and Buncombe County Commissioners, the Commission shall prepare a budget outlining the appropriations and expenditures, with said funding request to be considered. Following the initial report, the Commission shall provide a report to Asheville City Council and Buncombe County Commissioners on an annual basis, or more frequently as directed by Asheville City Council and the Buncombe County Commissioners.

7. **Assistance**. The City Manager and County Manager will upon request, make space available within City and/or County facilities for the Commission to conduct its meetings, and will provide clerical assistance in fulfilling the legal requirements for said meetings pursuant to open meetings and public records laws of North Carolina,

and such other assistance as is customary for City Council and County Commissioners' Boards and Commissions.

Read, approved and adopted this 14 day of January 2014, by the Asheville City Council.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to Form

CITY ATTORNEY

Read, approved and adopted this _____ day of _____ 2014, by the Buncombe County Board of Commissioners.

COUNTY CLERK

CHAIR

Approved as to Form

COUNTY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-13

RESOLUTION APPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

WHEREAS, the term of Ms. R. Patricia Leckey, as a member of the Firemen's Relief Fund, expired on January 1, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. R. Patricia Leckey, 53 Maple Ridge Lane, Asheville, N.C., be and she is hereby reappointed as a member of the Firemen's Relief Fund Board of Trustees to serve an additional two-year term, term to expire on January 1, 2016, or until her successor is duly appointed.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

Martha McMahon
CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14-14

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, the terms of Joe Ferikes (representing a property or business owner in the riverfront) and Cindy Week, as members on the Asheville Area Riverfront Redevelopment Commission, expired on January 1, 2014; and

WHEREAS, with the dissolution of the River District Design Review Committee and the merger of their functions to the Asheville Area Riverfront Redevelopment Commission, a new position in the Asheville Area Riverfront Redevelopment Commission has been established;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Joseph A. Ferikes, 198 Bent Tree Road, Asheville, N.C., be and he is hereby reappointed to the Asheville Area Riverfront Redevelopment Commission (representing a riverfront property or business owner) to serve an additional three year term, term to expire January 1, 2017, or until his successor has been appointed.

(2) Ms. Cindy Weeks, 265 Charlotte Street, Asheville, N.C., be and she is hereby reappointed to the Asheville Area Riverfront Redevelopment Commission to serve a three year term, term to expire January 1, 2017, or until her successor has been appointed.

(3) Mr. Carleton Collins, 105 Cranford Road, Asheville, N.C., be and he is hereby appointed to the Asheville Area Riverfront Redevelopment Commission to serve a three year term, term to expire January 1, 2017, or until his successor has been appointed.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 14-15

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TREE COMMISSION

WHEREAS, the terms of Debbie Emmons and Mike Kenton, as members on the Asheville Tree Commission, expired on December 31, 2013;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Debbie Emmons, 14 Beaverdam Knoll Road, Asheville, N.C., be and she is hereby reappointed to the Asheville Tree Commission, to serve a three year term, term to expire December 31, 2016, or until her successor has been appointed.

(2) Mr. Mike Kenton, 64 Pack Square, Asheville, N.C., be and he is hereby reappointed to the Asheville Tree Commission, to serve a three year term, term to expire December 31, 2016, or until his successor has been appointed.

Read, approved and adopted this 14th day of January, 2013.

Magdalen Bowlerson
CITY CLERK

MAYOR

Approved as to form:

Martha McMahon
CITY ATTORNEY

Magdalen Bowlerson
City Clerk

59

RESOLUTION NO. 14-16

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH COOPER CONSTRUCTION COMPANY, INC., FOR THE HENDERSONVILLE ROAD WATER LINE CONSOLIDATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Hendersonville Road Water Line Consolidation Project; and

WHEREAS, Cooper Construction Company, Inc., of Hendersonville, NC was the lowest responsible responsive bidder for the Project, in the amount of $441,266.00, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves abandonment of a problematic 6-inch cast iron water line located on the east side of Hendersonville Road, the transfer of water services attached to the 6-inch water line to the 24-inch ductile iron water line located on the west side of Hendersonville Road, and other work and materials required in order to complete the project; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.

2. The City Manager is hereby authorized to execute the contract with Cooper Construction Company, Inc., for the bid amount of $441,266.00 plus a contingency amount of $44,127.00 for a total in the amount of $485,393.00 for the construction of the Hendersonville Road Water Line Consolidation project and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved, and adopted this 28th day of January, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

Martha McSloboy
CITY ATTORNEY

Magdalen Burleson
City Clerk

Exhibit A

Bid Tabulation for the Hendersonville Road Water Line Consolidation Project

Cooper Construction Company, Inc.
P.O. Box 806
Hendersonville, NC 28793
Total Bid: $441,266.00

Buckeye Bridge, LLC
P.O. Box 1229
654 Buckeye Cove Road
Canton, NC 28716
Total Bid: $948,648.00

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RESOLUTION NO. 14-17

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A 2.79 ACRE REMNANT PARCEL FROM THE N.C. DEPT. OF TRANSPORTATION FOR THE PURPOSE OF ASSEMBLING THE PROPERTY INTO EXISTING RIGHT-OF-WAY AT SWEETEN CREEK INDUSTRIAL PARK

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-274 to accept real property from any governmental unit upon such terms and conditions as it deems wise, with or without consideration; and

WHEREAS, the North Carolina Department of Transportation has offered to convey real property identified as PIN 965742089400000 to the City of Asheville at no cost; and

WHEREAS, this parcel will be assembled into the City's existing right of way at Sweeten Creek Industrial Park and thereby facilitate improved access into the GE Aviation facility on Buncombe County owned property at 502 Sweeten Creek Industrial Park; and

WHEREAS, City Staff recommends the City accept the conveyance from NCDOT with the stated condition;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-274, the Mayor is hereby authorized to execute any and all documents, approved by the City Attorney, to accept the conveyance of the remnant parcel known as PIN 965742089400000 from the North Carolina Department of Transportation at Sweeten Creek Industrial Park. In addition, the Mayor is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 28th day of January, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

Martha McMahon
City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-18

RESOLUTION AUTHORIZING THE MAYOR TO CONVEY AN EASEMENT AT 166 RESERVOIR ROAD TO CHRIS AND JESSICA LARSEN

WHEREAS, N.C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property; and

WHEREAS, the City of Asheville, herein after the City, is the owner of property located at 166 Reservoir Road, identified as PIN # 964856700400000; and

WHEREAS, Chris and Jessica Larsen have requested an easement over a portion of said property on Reservoir Road for the purpose of creating a driveway for a residential lot to service a new single family residence on Reservoir Road; and

WHEREAS, the portion of land needed for the permanent easement comprises approximately 473 square feet and the easement has a value of $1,020 which sum Chris and Jessica Larsen have agreed to pay for the easement; and

WHEREAS, the easement will not interfere with the City's intended use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-273, the Mayor is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located at 166 Reservoir Road PIN # 964856700400000 to Chris and Jessica Larsen. In addition, the Mayor is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 28th day of January, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McKlohon
City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14-19

RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE SALE OF SIDEWALK GARBAGE RECEPTACLES TO THE ASHEVILLE HOUSING AUTHORITY

WHEREAS, the City of Asheville is responsible for the disposal of excess and obsolete personal property through the disposal of surplus; and

WHEREAS, the Office of Sustainability has deemed the garbage receptacles as excess; and

WHEREAS, North Carolina General Statute 160A-266 authorizes the City to dispose of personal property valued at $30,000 or less by private negotiation or sale upon resolution of the City Council adopted at a regular meeting; and

WHEREAS, North Carolina General Statute 160A-280 authorizes the City to dispose of property by private sale to another governmental unit or non-profit agency that is carrying out a public purpose; and

WHEREAS, the Asheville Housing Authority has presented a proposal to the City for utilizing the garbage receptacles; and

WHEREAS, the Asheville City Council believes that the Asheville Housing Authority's proposal fulfills a public purpose;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to award the sale (for no compensation) of the surplus garbage receptacles to the Asheville Housing Authority and enter into a purchase agreement on behalf of the City of Asheville.

Read, approved and adopted this 28th day of January, 2014.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

Martha McMahon
City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 14-20

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANTEE'S ACCEPTANCE AND UNDERSTANDING FORM WITH Z. SMITH REYNOLDS FOUNDATION TO ACCEPT THE TERMS OF GRANT FOR FUNDING THE PILOT PROJECT *"BUILDING NEIGHBORHOOD CAPACITY AND LEADERSHIP ACROSS RACE AND CLASS"* AND A SUB-AWARD AGREEMENT WITH THE DYNAMIC GOVERNANCE INSTITUTE TO DEVELOP THE GRANT FUNDED PROGRAM

WHEREAS, the City of Asheville has been awarded a one year grant of $30,000 by Z. Smith Reynolds Foundation to partner with the Dynamic Governance Institute/Sims and Steele Consulting to develop a pilot to build neighborhood capacity and strengthen leadership of the Aston Park Towers Residents' Association and Housing Authority Residents' Council; and

WHEREAS, the pilot program is focused on the South French Broad neighborhood and ways to empower residents to work together to address existing public safety issues in order to improve the quality of life for all who live, work and visit the neighborhood; and

WHEREAS, Asheville City Council has set a strategic goal to make Asheville one of the safest cities in America and this pilot will help South French Broad neighbors participate in actions identified to meet that goal;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign the Grantee's Acceptance and Understanding Form with Z. Smith Reynolds and the Sub-Award Agreement with the Dynamic Governance Institute for the grant year 2014.

Read, approved and adopted this 28th day of January, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:
Martha McKlahon
City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-21

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES CONTRACT TO TYLER TECHNOLOGIES FOR MAINTENANCE AND SUPPORT TO THE CITY OF ASHEVILLE'S MUNIS ENTERPRISE SYSTEM

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities, and

WHEREAS, the City is in need of maintenance and support of the City's Munis Enterprise System, and

WHEREAS, Tyler Technologies is the sole-source vendor to provide said maintenance and support in the amount of $144,000 per year plus a maximum of 5% escalation in subsequent years for maximum of (5) five fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds; and

WHEREAS, the funding is currently allocated within IT Services and Business and Public Technology division's maintenance budget;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a general services agreement with Tyler Technologies, in the amount of $144,000 per year plus a maximum of 5% escalation in subsequent years for maximum of (5) five fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds. The City Manager is further authorized to execute any amendments to said contact which might arise during the term of the contract up to the budgeted amount.

Read, approved and adopted this 28th day of January, 2014.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

Martha McKenzie
City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-22

RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, the terms of Melanie Brethauer, Duncan McPherson and Tim Ballard (representing expertise in field of energy management), as members of the Sustainable Advisory Committee on Energy & the Environment, expired on December 31, 2013;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Mindy Fisher, 130 Hudson Street, Asheville, N.C., be and she is hereby appointed to the Sustainable Advisory Committee on Energy & the Environment, to serve a three year term, term to expire December 31, 2016, or until her successor has been appointed.

(2) Mr. Duncan McPherson, 61 Walton Street, Asheville, N.C., be and he is hereby reappointed to the Sustainable Advisory Committee on Energy & the Environment, to serve an additional three year term, term to expire December 31, 2016, or until his successor has been appointed.

(3) Ms. Sonia Marcus, 81 Westwood Place Asheville, N.C., be and she is hereby appointed to the Sustainable Advisory Committee on Energy & the Environment (representing expertise in field of energy management), to serve a three year term, term to expire December 31, 2016, or until her successor has been appointed.

Read, approved and adopted this 28th day of January, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

Martha McGlohon
CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14-23

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GRAHAM LAND COMPANY, LLC FOR THE PROJECT KNOWN AS HANDY PARK BUILDING DEMOLITION AND RETAINING WALL CONSTRUCTION

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Handy Park Building Demolition and Retaining Wall Construction, City of Asheville Project # ENG-13-14-002; and

WHEREAS, Graham Land Company, LLC of Robbinsville, NC was the lowest responsible bidder for the project, in the amount of $359,981, and

WHEREAS, the project involves the demolition of structures that are in disrepair and have the potential for liability to the City of Asheville; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $359,981 plus a contingency of 15% ($53,997), plus all related documents for a total of $413,978, with Graham Land Company, LLC for the project known as Handy Park Building Demolition and Retaining Wall Construction, City of Asheville Project # ENG-13-14-002.

Read, approved and adopted this the 11th day of February, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-24

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE TRANSIT PLANNING PROGRAM, SECTION 5303 METROPOLITAN PLANNING PROGRAM OF THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, funds for FY 2013-14 are available from the North Carolina Department of Transportation (NCDOT) through the Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of $60,430 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $6,043; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to fund the transit planning program, Section 5303 Metropolitan Planning Program of the Federal Transit Administration (FTA) for FY 2013-14.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14-25

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT AND RECEIVE GRANT FUNDS UNDER THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants; and

WHEREAS, on August 27, 2013, Asheville City Council passed resolution 13-188 authorizing the City Manager to apply for a grant in the amount of $724,861 with the North Carolina Governor's Highway Safety Program for the implementation of a DWI Task Force that would enforce DWI laws and provide community education on traffic safety issues in Asheville and Buncombe County; and

WHEREAS, the North Carolina Governor's Highway Safety Program wishes to enter into a contact with the City and accept the grant funds; and

WHEREAS, these grant funds will be used to purchase vehicles, uniforms, equipment, training, and pay salary and benefits to officers participating in the DWI task force for the first year; and

WHEREAS, after the first year of the grant funding the general fund will begin to be responsible for an increasing share of personnel cost, and then be fully responsible for personnel cost at the end of the four year grant period;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT;

The City Manager is hereby authorized to enter into an agreement with the North Carolina Governor's Highway Safety Program, for a grant in the amount of $724,861 to initiate a DWI Task Force in Asheville and Buncombe County.

Read, approved, and adopted this11th day of February, 2014

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

Martha W. McMahon
CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-26

RESOLUTION ADOPTING A CASH AND INVESTMENTS POLICY

WHEREAS, the Asheville City Council has adopted a strategic plan that includes a focus area to ensure a sustainable financial future for Asheville; and

WHEREAS, a set of guiding financial policies to include a cash and investments policy is encouraged by the Government Finance Officers' Association and the NC Treasurer's Office; and

WHEREAS, City Council has previously adopted and amended a set of financial policies; and

WHEREAS, formalization of a Cash and Investments Policy was not part of the City's previously adopted Financial Policy; and

WHEREAS, the Finance Committee has endorsed Council adoption of a Cash and Investments Policy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville's Financial Policy includes and incorporates hereby a Cash and Investments Policy.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Bradley
City Clerk

Mayor

Approved as to form:

Martha W. McElhaney
City Attorney

Magdalen Bradley
City Clerk

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Investment Policy

Finance and Management Services

The City of Asheville will demonstrate good stewardship of public funds through an Investment Policy and Program that is transparent, fiscally conservative, aligned with City Council objectives and in compliance with all State and local requirements.

Governance

The City of Asheville's Investment Policy shall be governed by the North Carolina Budget and Fiscal Control Act, North Carolina General Statute (NCGS) §159, the policies of the Local Government Commission (LGC), and the direction of the City Council.

Purpose and Scope

The City of Asheville's Investment Policy applies to the investment activities of the City of Asheville. All financial assets of the City shall be administered in accordance with the provisions of the Policy. In addition to the Policy, the investment of bond proceeds and other bond funds (including debt service and reserve funds) shall be governed and controlled by their governing ordinances and by all regulations and rulings applicable to the issuance of such obligations.

Objectives

The objectives of the City's investment activity are, in order of importance, safety, liquidity and yield.

Safety. The primary objective of the City's investment activity is the preservation of capital in the overall portfolio. Funds shall be invested according to NCGS §159-30-33. These statutes provide the authority to invest idle funds and provide the mandatory framework for cash management, reporting and investment decisions. The statutes outline the investment options open to local governments with an emphasis on preservation of capital and mitigation of risk. The City will invest in those institutions collateralized under the Pooling Method, as prescribed under the North Carolina Administrative Code, Title 20, Chapter 7 (20 NCAC 7). 20 NCAC 7 allows depositories to use an escrow account established with the State Treasurer to secure the deposits of all units of local governments.

Liquidity. The City's investment portfolio should remain sufficiently liquid to enable the City to meet operating requirements that can be reasonably anticipated. Liquidity shall be achieved by maintaining cash equivalent investment balances, matching investment maturities with estimated cash flow requirements and by investing in securities with active secondary markets. Funds held for future capital projects shall be invested in anticipation of projected cash flow requirements.

Yield. The City's operating portfolio shall be designed with the objective of achieving a market rate of return through all budgetary, economic and interest rate cycles. The investment program shall seek to

augment returns above this threshold consistent with prudent investment principles. This objective is subject to investment risk constraints and liquidity needs as previously stated.

Responsibility and Control

NCGS §159-25(a)6 delegates management responsibility for the investment program to the City's Finance Officer (FO). The FO shall establish and maintain procedures for the operation of the investment program which are consistent with this policy, State statute, the policies of the LGC, and the strategic plan of the City Council of the City of Asheville. The FO may further delegate authority to persons responsible for investment activities and transactions and the FO will establish and maintain a system of controls to regulate the activities of those persons.

In the absence of a FO and those to which he or she has delegated investment authority, the City Manager or his or her designee is authorized to execute investment activities on behalf of the City of Asheville.

Authorized Investments

The City of Asheville's management of cash and investments must comply with the North Carolina Budget and Fiscal Control Act (NCGS §159) and the policies of the LGC. Funds of the City of Asheville may be invested in the instruments described below, all of which are authorized by the Act and the LGC.

- Obligations of the United States
- Obligations of US Government Agencies, including, but not limited to:
    - Federal National Mortgage Association ("FNMA")
    - Federal Home Loan Bank ("FHLB")
    - Federal Home Loan Mortgage Corporation ("FHLMC")
    - Federal Farm Credit Bank ("FFCB")
- Prime quality commercial paper
- Bank certificates of deposit (CDs)
- Bank deposit accounts

According to the direction of the City Council, the City shall ensure that financial institutions meeting the following criteria receive full consideration for cash management and investment decision making for bank certificates of deposit:

a. Institution is collateralized under the Pooling Method (see *Safety* above)
b. Institution demonstrates a pattern of community reinvestment aligned with City Council's Strategic Plan
c. Institution has physical location(s) within the City of Asheville city limits
d. Institution provides employment within the city limits

Changes to the governing North Carolina General Statutes and/or the policies of the Local Government Commission will be considered automatically adopted by the City of Asheville as part of this Investment Policy. Any such changes will be included as revisions of or amendments to the policy; however, their implementation by the City is not predicated on inclusion in this document.

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RESOLUTION NO. 14-27

RESOLUTION ESTABLISHING A WASTE REDUCTION GOAL AND BENCHMARKS FOR THE CITY OF ASHEVILLE

WHEREAS, successful waste reduction involves designing and managing materials in order to conserve all resources rather than destroy them and eliminating discharges to land, water, and air that do not contribute productively to the natural or economic environment; and

WHEREAS, the City of Asheville is a proven leader in municipal sustainability, and waste reduction is a key factor in carbon reduction as well as an indication of progress toward sustainability; and

WHEREAS, the Buncombe County landfill is projected to reach full capacity in 2035 after which all citizens of Buncombe county, including Asheville residents, will need to choose between outsourcing our waste to other counties and states at a considerable cost or building a new landfill in Buncombe county at a considerable cost; and

WHEREAS, the placement of materials in landfills wastes natural resources and valuable land in our beautiful mountain community; and

WHEREAS, avoiding the creation of waste is the most economically efficient and environmentally sustainable resource management strategy and supports a resource recovery based economy that will create and sustain more productive, sustainable, and meaningful jobs; and

WHEREAS, most waste streams can be eliminated through source reduction, increased recycling and composting;

WHEREAS, the City of Asheville is the primary provider of residential waste collection services, therefore this resolution focuses on the municipal solid waste from the residential sector excluding residential yard waste and excluding waste from the commercial and industrial sectors;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ASHEVILLE THAT:

1. The City of Asheville hereby adopts a long term waste reduction goal of 50% municipal solid waste reduction by ton by the year 2035. This goal will be measured from the baseline year of 2010 and result in total reductions of:
   15% by 2020, 25% by 2025, 40% by 2030, 50% by 2035

2. The City Manager, in cooperation with the Office of Sustainability, shall provide an annual progress report to City Council.
3. The City commits to actively engage the community by sharing the goals in this resolution and engaging residents and community partners for awareness and support in achieving these goals.
4. Toward this goal, staff developed the attached strategic waste reduction plan for residential waste services to guide the achievement of this goal. The waste reduction

plan is a guidance document, any solid waste program enhancements will be presented to Council for consideration during the annual budget process.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Bowerson
City Clerk

Mayor

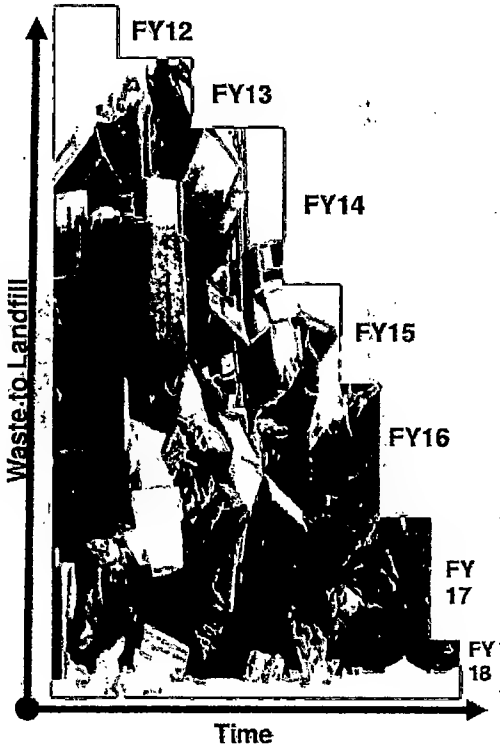
Approved as to form:

Martha W. McKeehan
City Attorney

Magdalen Bowerson
City Clerk

Long Term Waste Reduction Plan

Reducing landfill waste is one of City Council's key strategies for achieving its two southeastern themes of economic and environmental sustainability. This plan is designed to keep Asheville on the forefront of zero waste.



Program Enhancements	Infrastructure Enhancements	Community Engagement
• Big Blue roll out: single stream recycling and more materials allowed • Increased recycle fee to support expanded single stream service		• Recycling education program for Big Blue roll out
• Changed the recycling fee to a solid waste fee and increased fee to support FY14 infrastructure improvements		• Recycling education at community centers and quarterly hard to recycle events
• Conduct residential solid waste audit to establish baseline data and support long term planning efforts • Partner with Buncombe County to conduct a compost facility feasibility study for land at the landfill • Propose annual waste reduction goal in the residential sector for Council consideration	• Install waste stations with garbage, recycling, ashtrays and pet waste dispensers in downtown Asheville	• Partner with Coca Cola to deliver a residential recycling incentive and education campaign • Establish a Solid Waste Consortium of industry and public stakeholders in order to enhance staff expertise in developing long range program and service improvement
• Develop a residential Pay-As-You-Throw (PAYT) program and associated fee changes for Council consideration	• Support the site plan development of a compost facility either at the county landfill of with a private partner.	• Partner with Asheville Greenworks to implement targeted neighborhood waste reduction education programs based on neighborhood performance results in the waste audit
• Implement PAYT program • Develop residential curbside compost pilot program	• Support compost facility construction	• PAYT education program to accompany service change rollout • Continue targeted neighborhood outreach programming with focus on compost and recycling • Establish a subsidized compost bin program
• Make any adjustments necessary to PAYT program • Implement curbside compost pilot program • Development city wide curbside compost collection program and associated fee changes for Council consideration	• Support compost facility construction • Install sidewalk waste stations in River District, along Haywood Road in west asheville, and in the south slope	• Continue targeted neighborhood outreach programming with focus on compost, recycling and pre-cycling
• Implement curbside compost program city wide		• Curbside compost education program to accompany service change rollout

DRAFT: 1-27-14 V3

RESOLUTION NO. 14- 28

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOOG INSTITUTE TO PROVIDE IN-KIND SERVICES AND FINANCIAL SUPPORT FOR MOOGFEST

WHEREAS, the City of Asheville has identified the significant value of a partnership agreement with Moog Institute for Moogfest that will further Economic Development initiatives in the areas of job growth and job creation; and

WHEREAS, the programming of Moogfest is structured to attract qualified talent, exposure to business opportunities and capital investment toward the goal of developing a technology industry cluster in Asheville; and

WHEREAS, Moogfest is anticipated to provide an overall $30M direct economic impact to the area per year; and

WHEREAS, the Asheville City Council Strategic Operating Plan has identified the importance of structuring Special Events as an economic development tool through leveraging investments, promoting an environment for investment and supporting efforts around Arts/Creative Economy; and

WHEREAS, pursuant to NCGS §160A-16 and §160A-17 the City is authorized to enter into written contracts and continuing contracts or agreements, some portion or all of which are to be performed in ensuing fiscal years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to execute a performance-based, economic development partnership agreement with Moog Institute at a maximum value of $50,000 for in-kind support services and $40,000 financial investment for a total not to exceed $90,000 per year for the production of Moogfest to be held in April, 2014.

2. Under the terms of the performance-based partnership agreement, Moog Institute and Moogfest are required to meet the performance minimums as stated within the agreement within the first year and repeatedly for the continuation of the partnership for subsequent Moogfest events to be held in 2015 and 2016.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-29

RESOLUTION TO APPROVE LOANS FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, four (4) qualified applications for 2013-14 Housing Trust Fund loans have been received; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposals and has made its recommendation to Council to approve two (2) Housing Trust Fund loans;

WHEREAS, pursuant to City of Asheville Resolution 13-6, one of the approved loan applicants, Givens Estates, was previously awarded a 2013-14 HTF loan in the amount of $270,000, and an additional award of Housing Trust Funds is now recommended as well as a change in the terms of the 2013-14 loan commitment, originally established at 2% interest for a thirty (30) year term;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. A loan of $45,000 amortized at 4.50% interest for 30 years is authorized for Beaucatcher Commons, LLC for the development of three (3) single-family rental homes on Raleigh Avenue (120 Raleigh Avenue / PIN No. 964795054800000 and 122 Raleigh Avenue / PIN No. 964795068100000) and Marietta Street (165 Marietta Street / PIN no. 964795069500000); to be made immediately available for disbursement following loan closing. These three (3) units shall be restricted to families earning 80% or less of the Area Median Income.

2. A loan of $45,000 at 2.00% annual interest-only with principal deferred for twenty (20) years is authorized for Beaucatcher Properties, LLC for the development of three (3) one-bedroom accessory apartments on Raleigh Avenue (120 Raleigh Avenue / PIN No. 964795054800000 and 122 Raleigh Avenue / PIN No. 964795068100000) and Marietta Street (165 Marietta Street / PIN No. 964795069500000); to be made immediately available for disbursement following loan closing. These three (3) units shall be restricted to families earning 60% or less of the Area Median Income.

3. An additional loan of $230,000 amortized at 2.00% interest for twenty (20) years is authorized for Givens Estates, Inc. for the development of One Hundred Twenty (120) rental units for seniors on Gerber Road (PIN No. 965526468400000), with the annual repayment amount to meet the requirements of Section IV.C.2.(b) Of the NCHFA 2014 Qualified Allocation Plan (QAP), which is cited below. Any unpaid interest will be due and payable at the end of the 20-year term. These terms shall apply as well to the original 2013-14 loan commitment of $270,000 (total combined loan commitment to Given Estates, $500,000). All funds to be made immediately available for disbursement

following loan closing. These One Hundred Twenty (120) units shall be restricted to families earning 60% or less of the area median income.

Read, approved and adopted this 11th day of February, 2013.

Magdalen Burleson
CITY CLERK

MAYOR

Approved As To Form:

Martha W. McMahon
CITY ATTORNEY

Magdalen Burleson
City Clerk

79

RESOLUTION NO. 14-30

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ELECTRICAL EXAMINERS

WHEREAS, long term member Harold Garland died, thus leaving an unexpired term until July 1, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Kenneth Frisbee, 1204 Abbey Circle, Asheville, N.C., be and he is hereby appointed as a member to the Board of Electrical Examiners, to serve the unexpired term of Mr. Garland, term to expire July 1, 2015, or until his successor has been duly appointed.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 14 - 31

RESOLUTION APPROVING PAYMENT TO DELPHI DEVELOPMENT FOR OBTAINING APPROVAL FROM NORFOLK SOUTHERN FOR A QUIET ZONE RAILROAD CROSSING AT THE LYMAN STREET INTERSECTION

WHEREAS, Delphi Development contracted to obtain approval for a "Quiet Zone" designation at the Lyman Street railroad crossing from Norfolk Souther; and,

WHEREAS, having this designation promotes economic development in the River Arts District, particularly mixed-use residential development; and,

WHEREAS, the City of Asheville attempted to obtain this designation in the past without success; and,

WHEREAS, Delphi Development must provide documentation to the City that the fee has been paid to the consultant.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City is authorized to pay $15,000 to Delphi Development for obtaining a "Quiet Zone" designation for the railroad crossing at Lyman Street.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

81

RESOLUTION NO. 14-32

RESOLUTION DELEGATING THE AUTHORITY TO EXEMPT IN WRITING, PARTICULAR PROJECTS UNDER $50,000, FROM THE STATUTORY PROCUREMENT PROCESS ESTABLISHED BY ARTICLE 3D OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES, (i.e. MINI-BROOKS ACT), TO THE CITY MANAGER/DESIGNEE

WHEREAS, NCGS §143-64.31, known as the "Mini-Brooks Act," requires local governmental units to announce all requirements for architectural, engineering, surveying, construction management at risk services, design-build services and, public-private partnership construction services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification without regard to fee other than unit price fee; and

WHEREAS, NCGS §143-64.32, provides for units of local government in writing, to exempt particular projects from the provisions of Article 3D of Chapter 143, where an estimated professional fee is an amount less than fifty thousand dollars ($50,000);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager/designee is hereby delegated the authority to exempt, in writing, particular projects under $50,000, in accordance with Section 143-64.31 of Article 3D of Chapter 143 of the North Carolina General Statutes.

Read, approved and adopted this 25th day of February, 2014.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 14-33

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH DUKE ENERGY PROGRESS, INC. TO ACCEPT DONATION OF REAL POPERTY AT 98 DESOTA STREET AND ENTER INTO A CONSTRUCTION AND MAINTENANCE AGREEMENT FOR JOINT STORMWATER IMPROVEMENTS

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, Duke Energy Progress, Inc. has offered to donate real property located at 98 Desota Street, identified as PIN 963892348400000, subject to certain right-of-way and transmission line easements; and

WHEREAS, the City of Asheville and Duke Energy Progress, Inc. intend to enter into a construction and maintenance agreement for joint stormwater improvements on aforementioned property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute documents and to enter into a Memorandum of Understanding to accept a donation of real property from Duke Energy Progress and enter into a Construction and Maintenance Agreement for joint stormwater improvements. In addition, the Mayor is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of February, 2014.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

Martha W. McMahon
City Attorney

Magdalen Bourleson
City Clerk

83

RESOLUTION NO. 14-34

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A PARCEL OF REAL PROPERTY FROM THE N.C. DEPT. OF TRANSPORTATION FOR THE PURPOSE OF ASSEMBLING THE PROPERTY INTO EXISTING RIGHT-OF-WAY AT SWEETEN CREEK INDUSTRIAL PARK

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-274 to accept real property from any governmental unit upon such terms and conditions as it deems wise, with or without consideration; and

WHEREAS, the North Carolina Department of Transportation has offered to convey real property identified as PIN 965733301500000 to the City of Asheville at no cost; and

WHEREAS, this parcel will be assembled into the City's existing right of way at Sweeten Creek Industrial Park; and

WHEREAS, City Staff recommends the City accept the conveyance from NCDOT in the stated condition, of being vacant and undeveloped;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-274, the Mayor is hereby authorized to execute any and all documents, approved by the City Attorney, to accept the conveyance of real property known as PIN 965733301500000 from the North Carolina Department of Transportation at Sweeten Creek Industrial Park. In addition, the Mayor is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of February, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha W. McMahon
City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-35

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE NORTH CAROLINA WATER AND WASTEWATER AGENCY NETWORK (NCWaterWARN) FOR MUTUAL AID FOR WATER AND WASTEWATER UTILITIES

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, NCWaterWARN is authorized under Section 160A-318 of the North Carolina General Statutes; and

WHEREAS, the Water Resources Department desires to contract with the North Carolina Water and Wastewater Agency Response Network (NCWaterWARN). This is an intrastate mutual aid and assistance agreement by and between water and wastewater utilities; and

WHEREAS, the contract will not require any expenditure by the City of Asheville until such time that an emergency or disaster is declared and there is a request for assistance; and

WHEREAS, response to a request for assistance is decided on a case-by-case determination; and

WHEREAS, costs associated with a response by the City of Asheville will be reimbursable by the recipient of the mutual aid;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a contract with the North Carolina Water and Wastewater Agency Response Network (NCWaterWARN).

Read, approved and adopted this 25th day of February, 2014.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

Martha W. McBlokon
CITY ATTORNEY

Magdalen Bulleson
City Clerk

85

RESOLUTION NO. 14-36

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE NORTH CAROLINA OFFICE OF JUSTICE PROGRAMS OF THE US DEPARTMENT OF JUSTICE

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants: and

WHEREAS, the US Department of Justice (DOJ), has awarded the City of Asheville the amount of $53,016 through the Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) programs for the purchase of in-car video systems and equitable distribution of funds to Buncombe County Sheriff's Office; and

WHEREAS, the Asheville Police Department will spend $38,844 for the purchase of In-car video systems, while Buncombe County Sheriff's Office will be awarded $14,172;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, accept and enter into an agreement with the US Department of Justice, for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $53,016.

Read, approved, and adopted this 25th day of February, 2014.

Magdalen Bowerson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowerson
City Clerk

RESOLUTION NO. 14--37

RESOLUTION ADOPTING THE HAYWOOD ROAD VISION PLAN

WHEREAS, A group of business and property owners and area residents began to meet to study options for improving Haywood Road beginning in 2002 with a meeting convened by the West Asheville Business Association and forming a corridor committee; and

WHEREAS, the corridor committee continued to meet over the years and assisted by staff developed a list of major priorities and strategies for improvement along Haywood Road; and

WHEREAS, a large number of outreach efforts were made to the broader community which included large community meetings, community preference surveys in 2006 and 2011, and focus group sessions; and

WHEREAS, the Vision Plan focused on the following important strategies: Transportation and Streetscape Issues, Historic Preservation, Zoning and Land Use, Economic Development, Safety and Neighborhood Issues; and

WHEREAS, the Haywood Road Vision Plan supports City Council's goals of Economic Growth and Financial Stability because the plan seeks to leverage public and private investment and create strong mixed-use neighborhoods; and

WHEREAS. the Comprehensive Plan encourages community plans created with neighborhood ideas and input;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby adopts the Haywood Road Vision Plan dated February 25, 2014.

Read, approved, and adopted this 25th day of February, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

87

RESOLUTION NO. 14-38

RESOLUTION APPOINTING MEMBERS TO THE CITY-COUNTY AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, on January 14, 2014, City Council adopted Resolution No. 14-12 establishing a joint City-County African American Heritage Commission; and

WHEREAS, three seats are to be appointed by the Asheville City Council, three seats are to be appointed by the Buncombe County Board of Commissioners; and the remaining three seats are to be appointed by the six appointed members; and

WHEREAS, all initial terms shall be deemed to commence as of the appointment of the ninth member;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Jan Goffney, 34 Huntington Chase Drive, Asheville, N.C., be and she is hereby appointed to the City-County African American Heritage Commission, to serve an initial one-year term, or until her successor has been appointed. All terms shall commence as of the appointment of the ninth member.

(2) Mr. Marvin D. Chambers, 2 Lakewood Drive, Asheville, N.C., be and he is hereby appointed to the City-County African American Heritage Commission, to serve an initial two-year term, or until his successor has been appointed. All terms shall commence as of the appointment of the ninth member.

(3) Dr. Lamar Hylton, 12 Trafalgar Circle, Asheville , N.C., be and he is hereby appointed to the City-County African American Heritage Commission, to serve a three-year term, or until his successor has been appointed. All terms shall commence as of the appointment of the ninth member.

Read, approved and adopted this 25th day of February, 2014.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

Martha W. McElhaney
CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-39

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, Brian Cook has resigned as a member of the Asheville-Buncombe Historic Resources Commission, thus leaving an unexpired term until July 1, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. William Eakins, Post Office Box 890, Asheville, North Carolina, be and he is hereby appointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve the unexpired term of Mr. Cook, term to expire on July 1, 2015, or until his successor has been appointed.

Read, approved and adopted this 25th day of February, 2014.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

Martha W. McElhaney
CITY ATTORNEY

Magdalen Bulleson
City Clerk

89

RESOLUTION NO. 14-40

RESOLUTION IN MEMORY OF LAUREY MASTERTON

WHEREAS, on behalf of the City of Asheville, we extend our sincere condolences over the passing of Laurey Masterton, age 59, of Asheville; and

WHEREAS, Laurey's death leaves our community with a deep feeling of sorrow for the loss of such an honored and respected citizen; and

WHEREAS, Laurey served her community in various capacities, such as; being an active member of Jubilee Congregation; Appalachian Sustainable Agriculture Project; Asheville Area Chamber of Commerce; League of Women Voters; Outward Bound; the YWCA Board, and others too numerous to mention; and

WHEREAS, Laurey was an avid cyclist, beekeeper, author, and chef; and

WHEREAS, Laurey was a major contributor to the revitalization of downtown which is evidenced by her Laurey's Catering and Gourmet To-Go business which has been at 67 Biltmore Avenue since 1990; and

WHEREAS, Laurey founded JoyRide, a YMCA Livestrong program fundraiser, which has touched the lives of countless residents; and

WHEREAS, Laurey's motto was, "Don't Postpone Joy," a phrase that has come to represent a way of life for many residents as a result of Laurey's influence and positive personality;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville extends our sincere sympathies to her family and friends upon the passing of Laurey Masterton.

Read, approved and adopted this 18th day of March, 2014.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 14-41

RESOLUTION IN MEMORY OF MARTIN L. NESBITT, JR.

WHEREAS, on behalf of the City of Asheville, we extend our sincere condolences over the passing of Martin L. Nesbitt, age 67, of Asheville; and

WHEREAS, Martin Nesbitt has served the City as our representative in the North Carolina House and the North Carolina Senate for 31 years; and

WHEREAS, his passing touches every member of our community and only the lasting legacy of his many accomplishments softens our bereavement; and

WHEREAS, Martin was a true and loyal friend to the citizens of Asheville and he served with the highest distinction and set the finest example of public service; and

WHEREAS, Martin was a beloved friend to all, a tireless mentor to many, and a humble servant to the people;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

This Council, speaking on behalf of all our citizens, hereby goes on record as recognizing the great contributions made by Martin L. Nesbitt Jr. to this City, and offers to his family and friends this sincere expression of condolence.

Read, approved and adopted this 18th day of March, 2014.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 14-42

RESOLUTION APPOINTING CITY ATTORNEY AND APPROVING MEMORANDUM OF EMPLOYMENT AGREEMENT

WHEREAS, the City of Asheville desires to employ Robin T. Currin to serve as City Attorney; and

WHEREAS, both parties desire to establish certain terms and conditions of employment; and

WHEREAS, in accordance N.C. Gen. Stat. sec. 160A-173, council shall appoint a city attorney to serve at its pleasure and to be its legal adviser;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Robin T. Currin is hereby appointed City Attorney of the City of Asheville, effective May 1, 2014, and that the Mayor is hereby authorized to execute an employment agreement with Ms. Currin.

Read, approved and adopted this 18th day of March, 2014.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 14-43

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF ASHELAND AVENUE

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of Asheland Avenue; and

WHEREAS, said rights-of-way are not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close a portion of Asheland Avenue as follows:

Beginning at a #5 Rebar with McAbee Identification Cap (being 0.3' below the adjacent grade) located in the southern margin of the lands running along the southern extents of Hilliard Avenue and held by the City of Asheville (shown as Parcel "A" in Plat Book 45 Page 35); said Rebar being located South 75°04'16" West 23.53' and North 81°21'18" West 115.93' from another #5 Rebar with McAbee Identification Cap (being 0.5' below the adjacent grade) which bears NC Grid Coordinates (NAD83-2011) of: Northing= 688,963.91' and Easting= 943,120.10'; thence from the point of beginning and running with the eastern margin of the existing 100' City of Asheville public right of way over Asheland Avenue on a curve turning to the left with an arc length of 51.23', with a radius of 30.03', with a chord bearing of South 49°46'16" West and a chord length of 45.24' to a #5 Rebar with McAbee Identification Cap (being flush with the adjacent grade); thence continuing with the said eastern margin of Asheland Avenue South 00°53'51" West passing a #5 Rebar with McAbee Identification Cap (being 0.8' below the adjacent grade) at a distance of 76.95' and further passing another #5 Rebar with McAbee Identification Cap (being 0.2' below the adjacent grade) at a distance of 344.65' for a total distance of 464.62' to a survey marker nail found; thence leaving the eastern margin of the said existing right of way over Asheland Avenue North 89°12'48" West a distance of 23.66' to a #4 Rebar with Mcabee Identification Cap Set (flush with the adjacent grade) located on the eastern margin of the new City of Asheville public right of way over Asheland Avenue; the eastern margin of the said new right of way running at all points 71.5' from the face of the curbing located along the western edge of Asheland Avenue; thence with this new right of way line the following six courses and distances: North 00°47'12" East a distance of 41.84' to a calculated point, North 00°55'59" East a distance of 125.86' to a calculated point, North 01°54'20" East a distance of 57.69' to a calculated point, North 03°48'53" East a distance of 114.72' to a calculated point, North 05°04'03" East a distance of 62.42' to a calculated point and finally North 05°13'17" East a distance of 65.94' to a #4 Rebar with Mcabee Identification Cap Set (flush with the adjacent grade); thence following a curve turning to the right and towards the southern margin of the said lands running along the southern extents of Hilliard Avenue, and held by the City of Asheville, having an arc length of 48.92', with a radius of 30.00', with a chord bearing of North 51°55'59" East and a chord length of 43.67' to another #4 Rebar with Mcabee Identification Cap Set (flush with the adjacent grade); thence continuing with the southern margin of the City of Asheville property South 81°21'18" East a distance of 7.49' to the point and place of beginning. Containing 0.215 acres / 9,355

square feet, as more particularly shown on a survey prepared by McAbee and Associates, P.A., dated December 19, 2013, attached hereto as Exhibit A.

2. A public hearing on the question of permanently closing a portion of Asheland Avenue is hereby called for on April 22, 2014, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on April 22, 2014.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned portion of Asheland Avenue. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Burleson
City Clerk

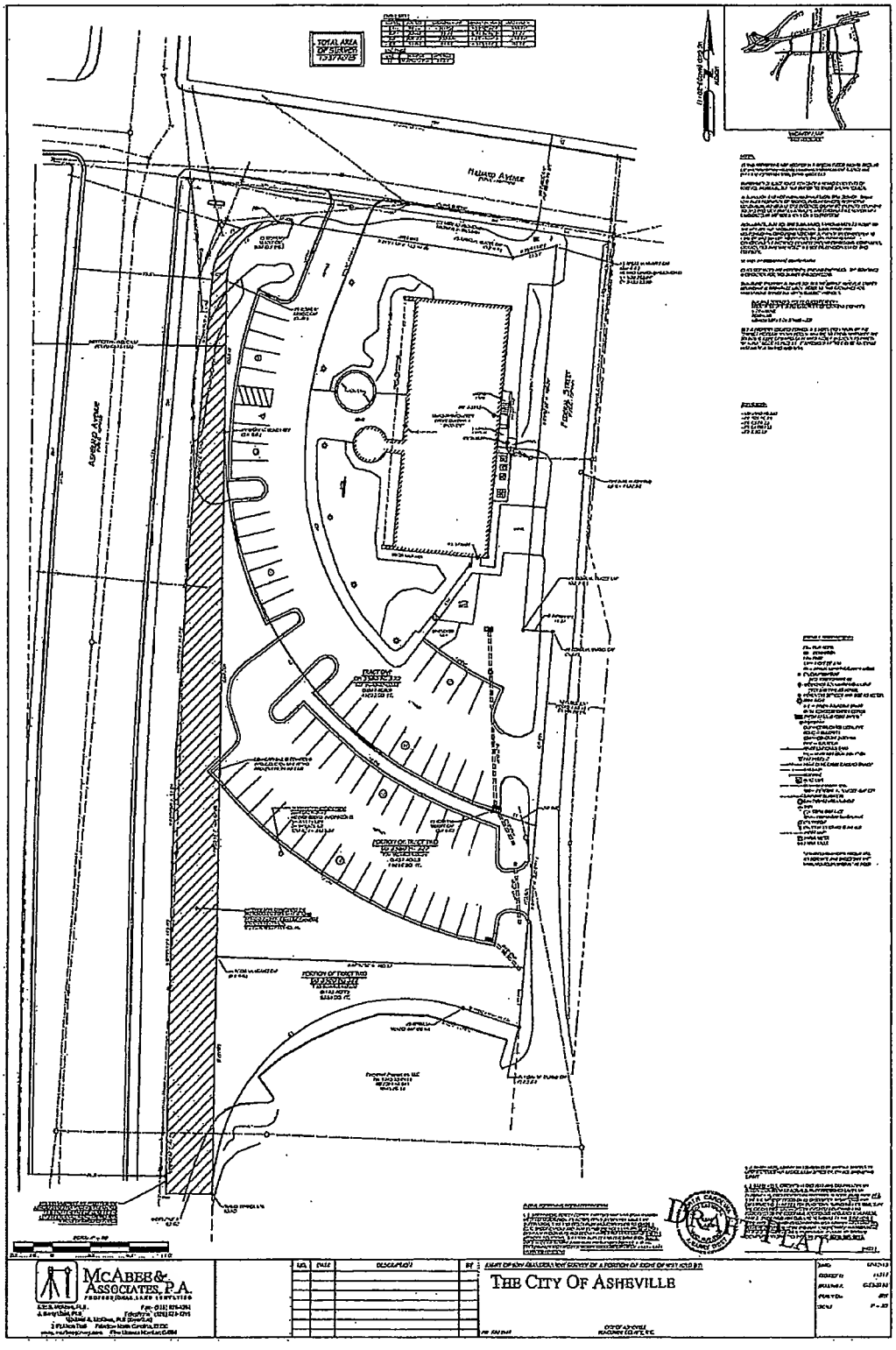
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A


TOTAL AREA OF SURVEY 7037ACRES
Hilliard Avenue
Asheland Avenue
Florida Street
DRAFT PLAT
McAbee & Associates, P.A.
The City Of Asheville

RESOLUTION NO. 14-44

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF SOUTH ANN STREET

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unnamed alley off of South Ann Street; and

WHEREAS, said rights-of-way are not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Commencing at the Northeast corner of Tract One as described in Deed Book 5163 at Page 681 and recorded in the Buncombe County Register of Deeds Office, said point being at the intersection of Patton Avenue and South Ann Street, thence S 14° 00' 00" E, 115.00' to the Northwest corner of the existing Alley and the Point of Beginning of the Alley description. From said Beginning Point, along the northern line of said Alley and the Southern boundary lines of Tract One and Tract Two as Described in Deed Book 5163, at page 681, N 75° 14' 11' E, 101.11' to the western side of a parcel of land described in Deed Book 5155, at Page 585, Parcel 2, and recorded in said Register of Deeds and being the Northeast corner of said Alley, thence with the western boundary line of said deed and the Eastern boundary of said Alley, S 12° 49' 24" E, 12.01', thence along the northern side of the parcel described as Parcel 3 in Deed Book 5155, at Page 585 and the Southern line of said Alley, S 75° 14' 11' W, 100.86' to the Northwest corner of said Parcel 3, being at the Eastern line of South Ann Street, thence along the said line of said street, N 14° 00' 00" W, 12.00', the Point of Beginning. Said Alley containing 1,212.32 Sq. Ft. or 0.03 Acres and being a porting of the alley shown in Plat Book 8 at Page 34 and Plat Book 8 at Page 61, and recorded in Buncombe County Registry of Deeds, as prepared by Blue Ridge Land Surveying Inc., dated April 15, 2014.

1. A public hearing on the question of permanently closing an unnamed alley off of South Ann Street is hereby called for on April 22, 2014, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

2. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on April 22, 2014.

3. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned portion of South Ann Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Burleson
City Clerk

E Ann G. Mu
Mayor

Approved as to form:
Martha W. McElhaney
City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-45

RESOLUTION OF INTENT TO PERMANENTLY CLOSE UNIVERSITY HEIGHTS AND A PORTION OF EDGEWOOD ROAD

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close University Heights and a portion of Edgewood Road; and

WHEREAS, said rights-of-way are not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby declares its intent to permanently close University Heights and a portion of Edgewood Road being described as follows:

(1) University Heights in its entirety, including the circular part, the Y-shaped intersection with Edgewood Road, and the part that leads down the hill to W. T. Weaver Boulevard; and

(2) The southernmost part of Edgewood Road, beginning at the Y-intersection described above, and extending in a northerly and easterly direction for approximately 900 feet to the northeast corner of the University property as described in Deed Book 1003 at Page 267.

Both descriptions are more particularly shown on the Exhibit A, attached hereto and incorporated herein by reference.

1. A public hearing on the question of permanently closing University Heights and a portion of Edgewood Road is hereby called for on April 22, 2014, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

2. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on April 22, 2014.

3. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned University Heights and portion of Edgewood Road. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting the proposed closings, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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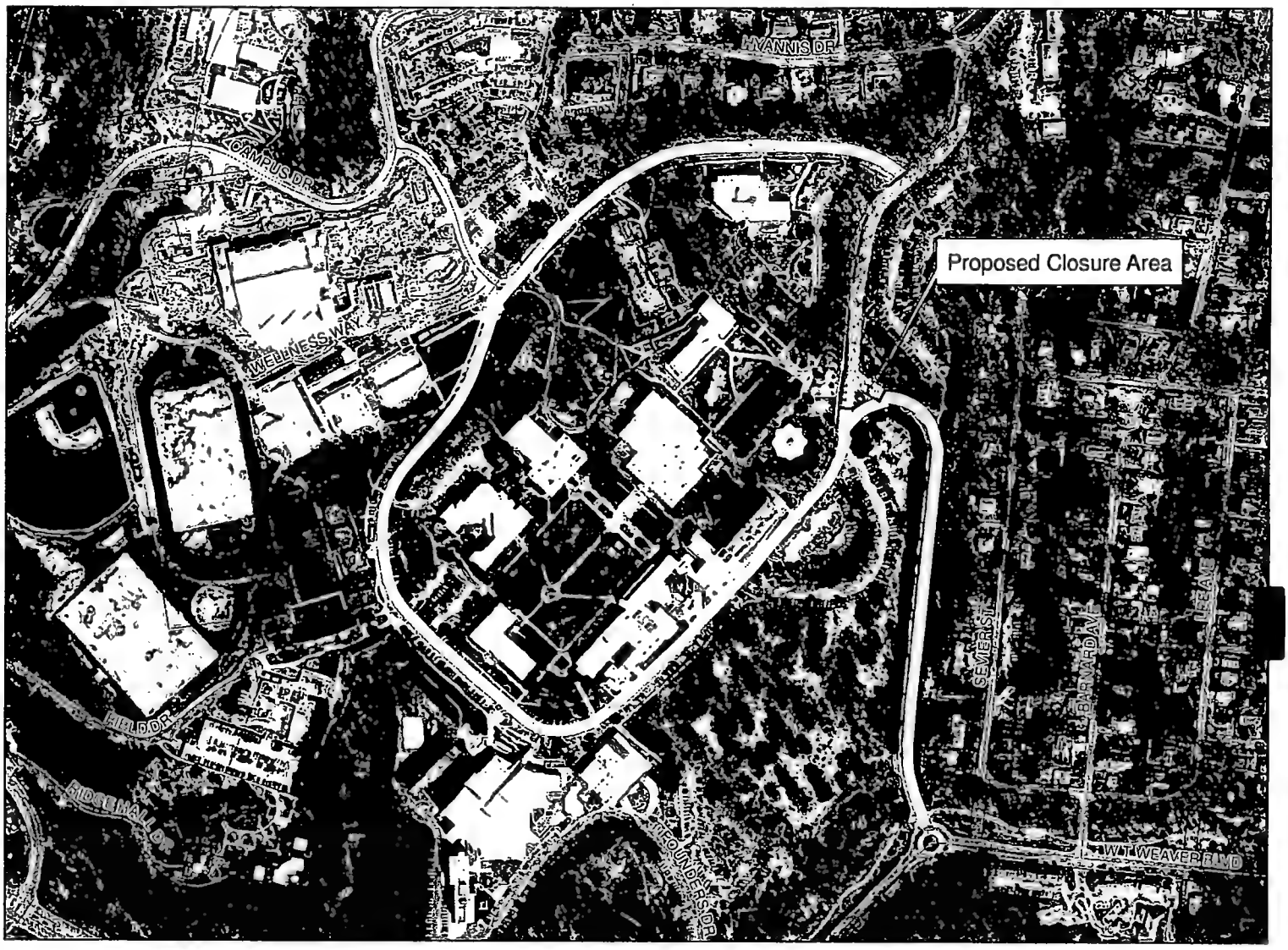
EXHIBIT "A"

Right Of Way Closure

Unopened Right of Way
University Heights and a portion of Edgewood Road

N

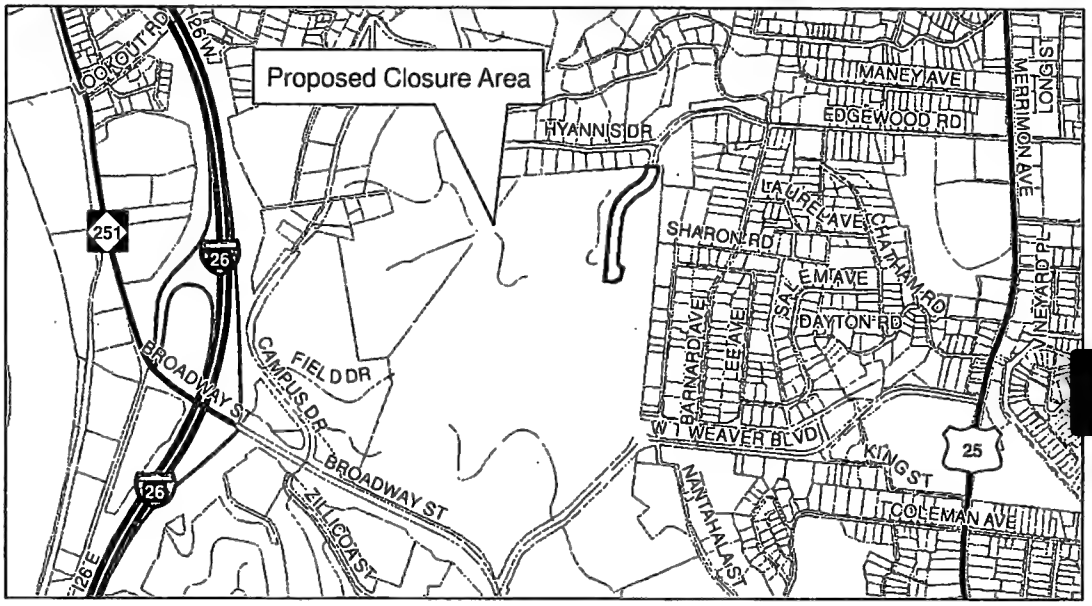


Legend

- Local Interstate Highways (Buncombe County)
- Local US Highways (Buncombe County)
- Local NC Highway (Buncombe County)
- Local Highway Ramps (Buncombe County)
- Local Blue Ridge Parkway (Buncombe County)
- NC Interstate Highways (Generalized)
- Streets (Buncombe County)

University Heights

Edgewood Road



RESOLUTION NO. 14-46

RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH LEAF COMMUNITY ARTS ON CITY-OWNED REAL PROPERTY EAST ASHEVILLE CENTER AT 906 TUNNEL ROAD, ASHEVILLE NORTH CAROLINA

WHEREAS, the City of Asheville is the owner of the real property East Asheville Center located at 906 Tunnel Road, Asheville North Carolina, identified as PIN #9658.87-73-32000000; and

WHEREAS, LEAF Community Arts, a North Carolina non-profit organization, wishes to enter into a lease agreement in order to operate cultural arts programs and services for public purposes at the East Asheville Center at 906 Tunnel Road; and

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into leases of 10 years or less upon resolution of the City Council adopted at a regular meeting after 10 days public notice; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed lease agreement on Friday March 14, 2014 in the Asheville Citizen-Times; and

WHEREAS, the term of the lease agreement will be for five (5) years; and

WHEREAS, as consideration for the lease, LEAF Community Arts agrees to pay to the City $1.00 per year, and operate cultural programs using the Easel Rider Mobile Art Lab on behalf of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute the Lease Agreement between the City of Asheville and LEAF Community Arts for the real property at East Asheville Center at 906 Tunnel Road, Asheville North Carolina. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-47

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A NON MATCHING GIFT FROM THE NORFOLK SOUTHERN FOUNDATION TO BE USED BY HAZARDOUS MATERIALS REGIONAL RESPONSE TEAM 6 – ASHEVILLE

WHEREAS, pursuant to N.C.G.S. §160A-4, cities in North Carolina have authority to exercise the powers that are reasonably necessary or expedient to carry them into execution and effect; and,

WHEREAS, the Norfolk Southern Foundation has made funds available to help offset operational expenses for hazardous materials teams when training or purchasing equipment to enhance a response; and

WHEREAS, cities in North Carolina may enter into contracts with private entities to carry out any public purpose that the City is authorized by law to engage in, pursuant to N.C.G.S §160A-20.1; and

WHEREAS, it is a public purpose for cities in North Carolina to conduct training and purchase equipment to enhance operational concerns for hazardous materials;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with the, the Norfolk Southern Foundation for a non-matching gift in the amount of $1,400 to use to enhance equipment or training for Asheville Fire Department Regional Response Team 6.

Read, approved and adopted this 25th day of March 2014..

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McGlohon
City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14--48

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE A SEALED BID SALE OF ONE PARCEL OF CITY OWNED PROPERTY LOCATED AT 30 ROCK HILL PLACE

WHEREAS, North Carolina General Statutes Section 160A-268 provides for the sale of real property by advertisement and sealed bid; and

WHEREAS, the City of Asheville owns the property at 30 Rock Hill Place (0.34 acres. PIN 9656-28-0496-00000);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council hereby authorizes the sale of the following described property by sealed bid: 30 Rock Hill Place (0.34 acres. PIN 9656-28-0496-00000).
2. The City will accept sealed bids for the properties until 3:30 p.m., Thursday, May 1, 2014. Bids shall be delivered to the office of the Real Estate Manager, Room 508, fifth floor of Asheville City Hall, 70 Court Plaza, Asheville N.C.
3. At 3:30 p.m., Thursday, May 1, 2014, all bids received shall be open in public and the amount of each bid recorded. The record of bids shall be reported to the Asheville City Council at their regular meeting on Tuesday, May 13, 2014 at 5 p.m.
4. The Asheville City Council will determine the highest qualifying bid for the property and award or reject the bid.
5. To qualify, a bid must be accompanied by a bid deposit of five percent (5%) of the amount of the bid, in the form of cash, cashier's check, or certified check. The deposit of the highest bidder(s) will be held until the sale of property is closed; and if the bidder refuses to close, then the bid shall be forfeited to the City. The deposits of other bidders will be returned at the time of the award.
6. The City reserves the right to withdraw the property from sale at any time and the right to reject all bids.

Read and approved and adopted this 25th day of March 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:
Martha McGlohon
CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14-49

RESOLUTION AMENDING RESOLUTION NO. 13-168, A RESOLUTION RATIFYING AND APPROVING THE EXECUTION OF TWO CONSTRUCTION CONTRACTS

WHEREAS, by Resolution No. 13-168, adopted August 13, 2013, City Council authorized the execution of two construction contracts to make immediate repairs to City roads following failures after a continuous and steady downpour of rainwater during the summer month of 2013; and

WHEREAS, Resolution No. 13-168, errornously identified the name of the contractor for each of the two projects and; and

WHEREAS, it is the purpose and intent of this Resolution to amend Resolution No. 13-168, to correctly identify the name of the contractor for each road project identified therein, and to clarify that funds may be expended on both projects up to the total project budget;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The 7th Whereas of Resolution No. 13-168, is hereby repealed and the following substituted in lieu thereof:

   WHEREAS, considering the special circumstances, the need for rapid mobilization, care and caution for the protection of all; and minimize potential environmental impacts, etc., the following two contractors were awarded the contracts: Buchanan & Sons, Inc. of Whittier, N.C., for Sunset Drive and Skyview Place for $267,674 and Young & McQueen Grading Company, Inc. of Burnsville, N.C., for Spooks Branch Road for $425,450, plus contingencies, based primarily upon lowest responsible, responsive bids, availability to mobilize, bonding capacity and previous performance on similar projects.

2. The language following the NOW THEREFORE, clause of Resolution No. 13-168, is hereby repealed and the following substituted in lieu thereof:

   The execution of the foregoing construction contracts by the City Manager of the City of Asheville are hereby ratified and approved as consistent and not in abrogation of the provisions of the City of Asheville Contracting and Procurement Policy: Buchanan & Sons, Inc. of Whittier, N.C., for Sunset Drive and Skyview Place for repairs for $267,674 and Young & McQueen Grading Company, Inc. of Burnsville, N.C. for Spooks Branch Road for $425,450, plus contingencies; all not to exceed the total project budget.

3. Except as herein amended, the remaining provisions of Resolution No 13-168, shall remain in full force and effect.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Burleson
City Clerk

Mayor

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-50

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HENDERSON COUNTY TO LEASE ONE VAN

WHEREAS, Henderson County is a sub-recipient of Federal funds through the City of Asheville; and

WHEREAS, as part of the sub-recipient agreement, the City of Asheville is required to execute agreements and purchase and own all of Henderson County's capital assets that are purchased with Federal funding; and

WHEREAS, Henderson County has identified the need to buy a van as one of the priorities in their capital program; and

WHEREAS, there is a contract in place that the City can use to order the van; and

WHEREAS, Henderson County has identified all of the funding sources needed to fund the project; and

WHEREAS, a lease agreement has to be signed by both parties to define the terms and conditions to operate these buses, as required by the Federal Transit Administration; and

WHEREAS, the City of Asheville has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to enter into an agreement with Henderson County to lease one van.

Read, approved and adopted this the 25th day of March, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-51

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ELLUM ENGINEERING, INC. FOR ENGINEERING SERVICES FOR THE CTS WATERLINE EXTENSION CONSTRUCTION ADMINISTRATION

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Ellum Engineering, Inc. was selected by Staff via a Request for Qualifications process to perform engineering services related to the CTS Waterline Extension Construction Administration Project for the not-to-exceed amount of $155,000.00; and

WHEREAS, Ellum Engineering, Inc. will ensure timely completion and provide the City of Asheville with the ability fulfill the conditions of the Memorandum of Understanding with Buncombe County;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a professional services agreement with Ellum Engineering, Inc. for engineering services in the not-to-exceed amount of $155,000.00 for the CTS Waterline Extension Construction Administration; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-52

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT TO DUKE ENERGY PROGRESS, INC. FOR AN ELECTRIC POWER LINE ON PROPERTY LOCATED AT CURVE STREET

WHEREAS, N. C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, owns property located at Curve Street, identified as PIN # 964868587800000; and

WHEREAS, Duke Energy Progress, Inc. requests that the City grant an easement measuring approximately 1080 square feet in order to accommodate for an electric power line; and

WHEREAS, the easement will not interfere with the City's intended use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-273, the City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located at Curve Street PIN # 964868587800000 to Duke Energy Progress, Inc. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

Martha McKlohon
City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION 14 - 53

RESOLUTION REVISING THE TRAFFIC CALMING POLICY AND INSTRUCTING STAFF TO MOVE FORWARD WITH THE ACTION PLAN TO CONSTRUCT SPECIFIC PROJECTS

WHEREAS; pursuant to General Statute # 160A-296, the City of Asheville has general authority and control over the public streets within its jurisdiction; and

WHEREAS; the Traffic Calming Policy was adopted by City Council on February 22, 2000 via Resolution # 00-39; and

WHEREAS; City Council has reviewed certain changes to the Traffic Calming Policy and has determined that it is in the City's interest to approve them; and

WHEREAS; City Council has approved funds for the current fiscal year to begin constructing projects that are listed on the "backlog" list; and

WHEREAS; City Council has reviewed the attached action plan and has determined that it is in the City's interest to instruct staff to move forward with it, subject to budgetary limitations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council approves certain changes to the Traffic Calming Policy and instructs staff to move forward with the attached action plan to begin construction projects that are listed on the "backlog" list.

Read, approved, and adopted this the 25th day of March 2014.

Magdalen Burleson
City Clerk

Mayor

City Attorney

Magdalen Burleson
City Clerk

ATTACHMENT 2

TRAFFIC CALMING ACTION PLAN

- City Council will consider the recommended changes to the traffic calming policy and the action plan on March 11, 2014.
- Staff will hold internal department meetings during March to be sure that the top five to seven potential projects on the "backlog" list do not have any major issues (all projects on the "backlog" list have been analyzed and are listed in priority based on the established "point" system).
- Staff will define the actual petition areas and prepare the maps and petition forms for the top five to seven potential projects for the 60% petition process during March and April.
- Staff will meet with the appropriate neighborhood groups for the top five to seven potential projects to review the proposed projects and to instruct them on the 60% petition process during March and April (the neighborhood groups will be responsible to obtain the appropriate signatures). It should be pointed out that since the "backlog" list is quite old, interest in traffic calming on some of the streets might have declined due to a variety of reasons. Staff will make every reasonable effort to work with the affected stakeholders including helping them to establish neighborhood groups before dropping a street from the "backlog" list.
- The contract and construction phase will occur during May and June and it is anticipated that $100,000 will be obligated towards the top five to seven potential projects. At this time, it is uncertain if a single contract will be awarded or if multiple contracts will be awarded. In addition, staff does not anticipate that all of the work will be completed by June 30, 2014 (for the current fiscal year only) but that in future years, the work will be started and completed within the specific fiscal year. One of the unknowns is the 60% petition process and how long it might take to complete it. The top two streets on the "backlog" list (Bear Creek Road and Riverview Drive) will help staff determine how successful the overall process will be since they both have established neighborhood groups that are ready to move forward. Throughout the process, staff will constantly seek input from these neighborhood groups to determine what, if any, improvements should be made for the future projects.
- Staff will develop a structured neighborhood awareness campaign and education process including the appropriate materials during the first half of FY 2014-15 including input from the Asheville Police Department (the Community Resource Officers), the Neighborhood Advisory Committee, and the Bicycle and Pedestrian Task Force sub-committee.

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COUNTY RESOLUTION NO. 14-03-12

CITY RESOLUTION NO. 14-54

Resolution Regarding the I-26 Connector

WHEREAS, traffic congestion and safety are increasing problems along 1-240 and I-26 through Asheville, a critical route for regional commerce and tourism; and

WHEREAS, local and regional residents, visitors, interstate travelers and commercial freight haulers rely on this route in ever increasing numbers; and

WHEREAS, improvements to the I-240 and I-26 corridor should be minimally disruptive to the local community and should enhance the quality of life for residents and visitors wherever possible; and

WHEREAS, North Carolina Department of Transportation (NCDOT) in its planning of TIP Project I-2513 (the project), has indicated preliminary commitment to alternatives that, compared to earlier proposals, reduce relocation of homes and businesses, reduce sound impact through better deployment of sound walls and provide critically needed bicycle, pedestrian and neighborhood connectivity infrastructure consistent with local government master plans; and

WHEREAS, the NCDOT and the Federal Highway Administration have expressed openness to consider design alternatives that reduce scale and cost of the project, including the number of lanes required, should upcoming traffic demand studies warrant and justify reductions; and

WHEREAS, in the event that the selected design alternative does not include modifications to the I-240 infrastructure on the east side of the French Broad River to support urban redevelopment, improved connection of neighborhoods, and improvements to local traffic patterns; local governments will evaluate a separate future project through the French Broad River Metropolitan Planning Organization (FBRMPO) to address those concerns; and

WHEREAS, various detailed alternatives for design and implementation of the project are to be fully evaluated and provided to decision makers for formal consideration as required under the National Environmental Policy Act in the Environmental Impact Statement in the coming months; and local leaders, working rough the FBRMPO, can only then provide their final endorsement of any alternative; and

WHEREAS, the City of Asheville, in its five-year capital improvement plan, has designated $1 million in co-funding for the project to support critically needed community-connectivity features; and

WHEREAS, members of the community have expressed their strong preference that the project soon be funded and constructed in a way that solves current congestion and safety

problems while mitigating negative project impacts and addressing community needs; and

WHEREAS, NCDOT is conducting preliminary cost benefit evaluations of similar projects statewide under the Strategic Prioritization Process to establish specifically which projects will be eligible for near-term funding of design and construction under the recently adopted Strategic Mobility Formula.

THEREFORE BE IT RESOLVED by the Board of Commissioners for the County of Buncombe and the City Council of the City of Asheville, as follows:

1. That the Board of Commissioners for the County of Buncombe and the Asheville City Council, along with the FBRMPO, hereby recommend that for the purpose of the upcoming scoring and ranking process, NCDOT use the estimated cost of $230 million associated with the preliminary 3c alignment alternative for the B section of the project; and, in preparation of the draft Environmental Impact Statement for the project, NCDOT clearly include elements that will address community needs for sound barriers and bicycle, pedestrian and neighborhood connections, including location, design, and the funding methodology of associated infrastructure elements.

2. That this resolution be effective upon its adoption.

ADOPTED this the 18th day of March, 2014, by the Board of Commissioners for County of Buncombe.

ATTEST

Kathy Hughes
KATHY HUGHES, COUNTY CLERK

BOARD OF COMMISSIONERS FOR COUNTY OF BUNCOMBE

BY David Gantt
DAVID GANTT, CHAIRMAN

APPROVED AS TO FORM

Robert J. Deutsch
COUNTY ATTORNEY

ADOPTED this the 25th day of March, 2014, by the City Council of the City of Asheville.

ATTEST

Magdalen Burleson
MAGDALEN BURLESON, CITY CLERK

ASHEVILLE CITY COUNCIL

BY Esther Manheimer
ESTHER MANHEIMER, MAYOR

APPROVED AS TO FORM

Martha McKlobon
CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14-55

RESOLUTION ADOPTING A POLICY FOR THE NAMING OF PUBLICLY OWNED PROPERTIES

WHEREAS, the City of Asheville has the desire to have a written policy for the naming of publicly owned properties; and

WHEREAS, the City of Asheville desires to recognize noteworthy individuals and/or organizations that have served the community with honor and distinction; and

WHEREAS, the City of Asheville staff have investigated best practices regarding policy of naming publicly owned properties that has resulted in a submitted formal written policy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of Asheville adopts the attached policy for naming publicly owned properties.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

Policy for Naming Publicly Owned Properties

Purpose - The Asheville City Council (herein referred to after as Council) believes that the naming of public property such as buildings, parks, squares and greenways is a matter of great importance and deserves careful and deliberate consideration. The Council, therefore, establishes this policy to establish a systematic and consistent methodology for the naming of City-owned property.

Applicability - This policy shall apply to all City of Asheville owned property subject to the care, custody and control of the Council, or their designated authorities. Such property is comprised of all the real estate and personal property owned by the City of Asheville.

Policy - When considering the naming of any public property or portion thereof, the Council may consider the following guidelines:

- Priority should be given to names carrying geographical, historical or cultural significance to the area in which the property is located or to the City of Asheville as a whole.

- Property may be named after an individual when the individual has a historical association with the property, the area in which it is located in the City of Asheville as a whole, or where the individual played a leadership role in the City of Asheville, such as through distinguished service in the military, law enforcement, firefighting or public service. Quality of contribution in these areas may be considered along with length of service.

- Property may be named after an individual or organization that has made significant financial or civic contributions to the City of Asheville, or has made a direct financial grant to the City of Asheville for purposes of developing a particular property.

- Names should be chosen in a manner that avoids duplication, confusing similarity or inappropriateness.

Suggestions for the naming of any of any public property or portion thereof may come to the Council from any City of Asheville Department Director or official or any member of the public. Any proposal from the public or otherwise, can bring their request forward to either the Mayor or City Manager or any three members of Council, as is the normal process for placing items on the agenda

Prior to voting on a name, the Council may solicit the advice of surrounding property owners, residents, affected parties, other City officials or anyone else that the Council believes can contribute meaningful input.

The naming of any property or portions thereof shall require a majority vote of the Council members present.

This policy is only a guide and nothing herein shall be construed so as to limit the Council's authority to use its discretion based on the facts and circumstances surrounding a particular issue.

This policy may be amended or rescinded by the Council by majority vote.

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RESOLUTION NO. 14- 56

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE EARTH DAY ON THE DATE OF SATURDAY, APRIL 19, 2014 FROM 1:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Asheville Earth Day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Earth Day event area, as set forth on Exhibit A, attached.

   The Asheville Earth Day event area is within the boundaries of the 100 block of Lexington Avenue extending within the metered parking lot located at the I-240 underpass.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville Earth Day on Saturday, April 19, 2014 from 1:00 PM – 10:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt

beverages and/or unfortified wine are not allowed anywhere in the Asheville Earth Day event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Earth Day event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville Earth Day, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of April, 2014.

Magdalen Burleson
City Clerk

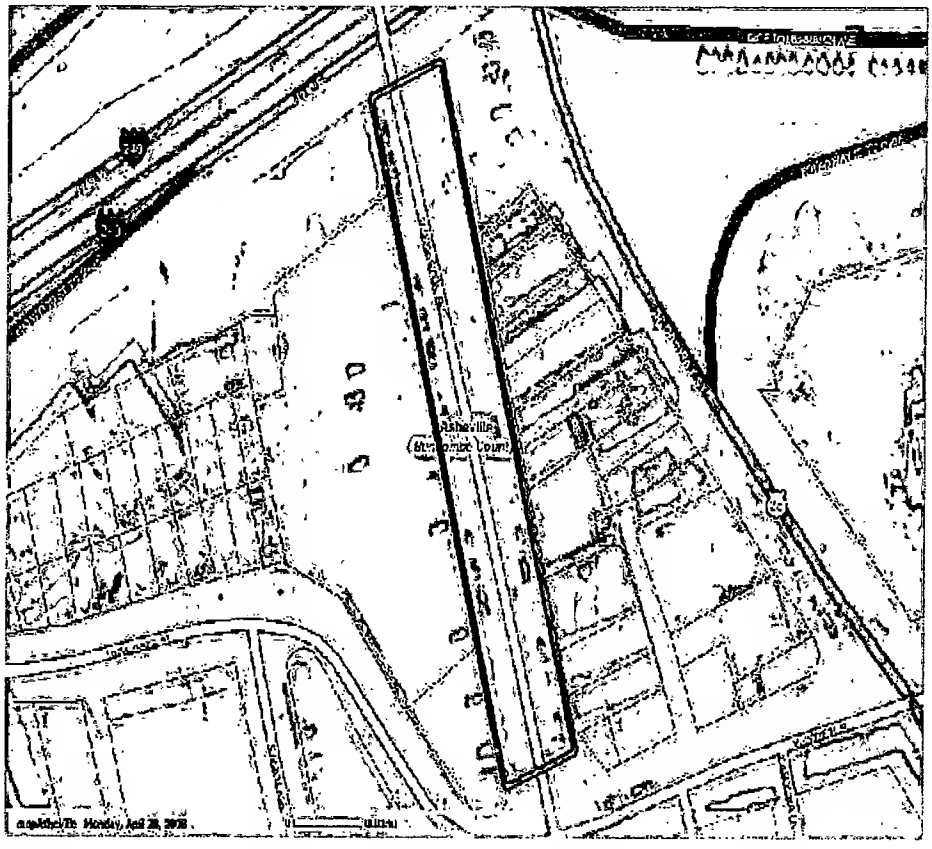
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A



Lexington Avenue (100 Block)

RESOLUTION NO. 14- 57

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT MOOGFEST ON THE DATES OF FRIDAY, APRIL 25 FROM 3:00 PM – 10:00 PM, SATURDAY, APRIL 26 FROM 12:00 PM – 10:00 PM; & SUNDAY, APRIL 27. 2014 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Moogfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Moogfest event area, as set forth on Exhibit A, attached.

   The Moogfest event area is within the boundaries of Lexington Avenue & Broadway between the intersections of Hiawassee and Starnes, extending within the metered parking lot located at the I-240 underpass and portion of Cherry Street surface parking.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Moogfest on Friday, April 25, 2014 from 3:00 PM – 10:00 PM, Saturday, April 26, 2014 from 12:00 PM – 10:00 PM and Sunday, April 27, 2014 from 12:00 PM – 6:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Moogfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Moogfest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Moogfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of April, 2014.

Magdalen Bullerson
City Clerk

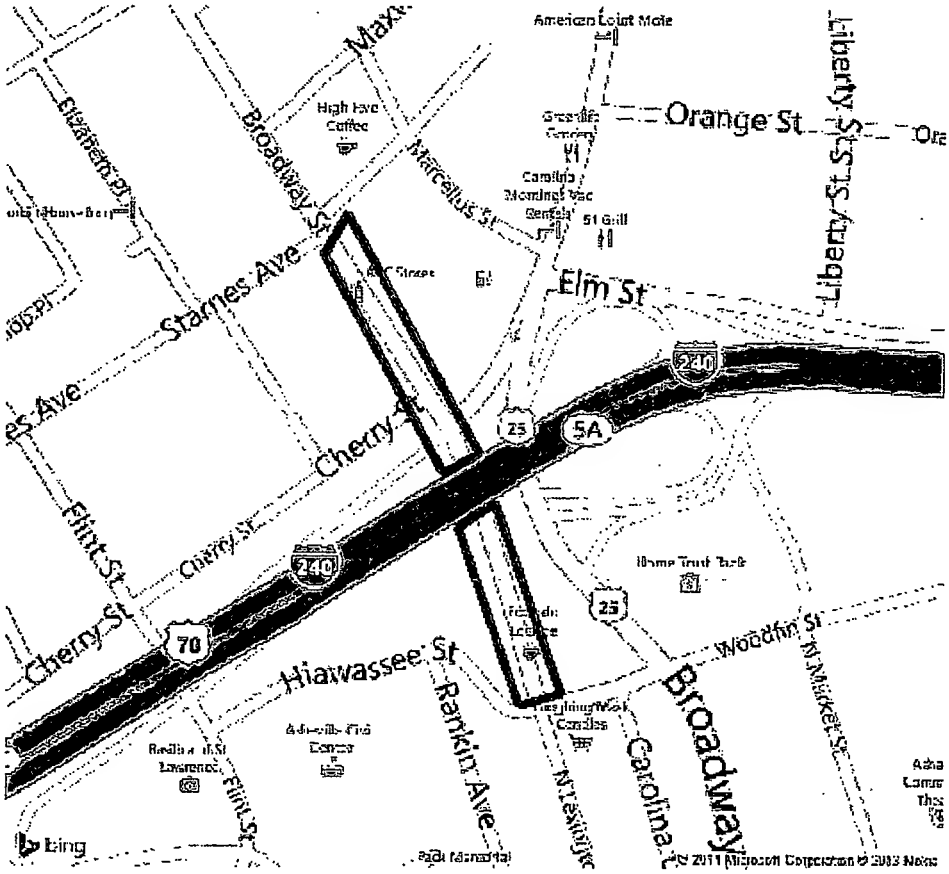
Mayor

Approved as to form:

Martha McKlohon
City Attorney

Magdalen Bullerson
City Clerk

EXHIBIT A



ALCOHOL AREA

117

RESOLUTION NO. 14- 58

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER 5 ON THE DATES OF FRIDAY, MAY 16, JUNE 20, JULY 18, AUGUST 15 & SEPTEMBER 19, 2014 FROM 5:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Downtown After 5.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Downtown After 5 event area, as set forth in Exhibit A, attached.

   The Downtown After 5 event area is within the boundaries of the 100 block of Lexington Avenue extending within the metered parking lot located at the I-240 underpass.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Downtown After 5 on Friday, May 16, June 20, July 18, August 15 & September 19, 2014 from 5:00 PM – 10:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt

beverages and/or unfortified wine are not allowed anywhere in the Downtown After 5 event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Downtown After 5 event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Downtown After 5, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of April, 2014.

Magdalen Burleson
City Clerk

Mayor

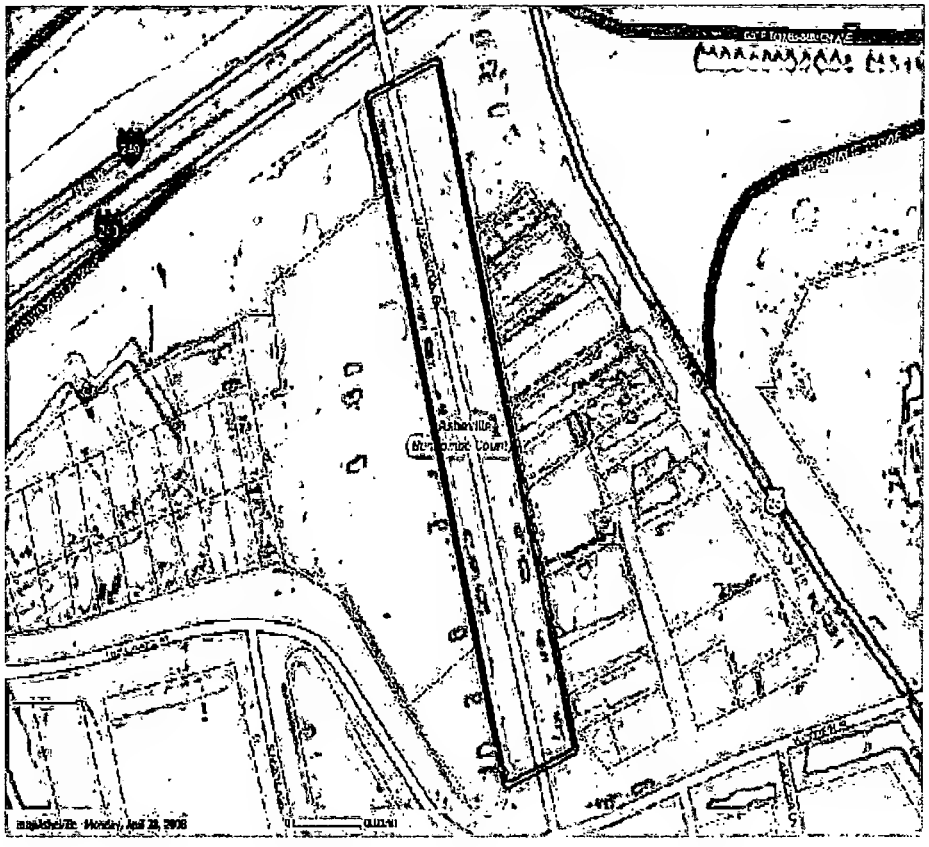
Approved as to form:

Martha McKlobon
City Attorney

Magdalen Burleson
City Clerk

119

EXHIBIT A



Lexington Avenue (100 Block)

RESOLUTION NO. 14- 59

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL ON THE DATE OF SATURDAY, MAY 31, 2014 FROM 1:00 PM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Festival event area, as set forth in Exhibit A, attached.

   The Beer City Festival event area is within the boundaries of Pack Square Park's Roger McGuire Green, Spruce Street between the intersections of South Pack Square & College Street, and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Festival on Saturday, May 31, 2014 from 1:00 PM – 7:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Beer City

Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Beer City Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Beer City Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of April, 2014.

Magdalen Burleson
City Clerk

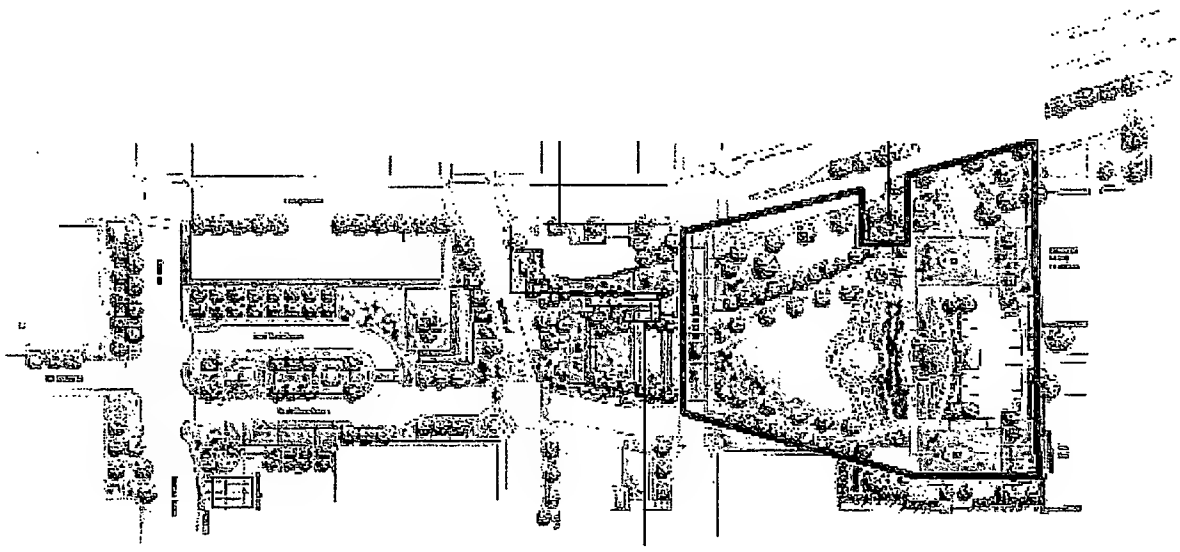
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



ALCOHOL BOUNDARY

123

RESOLUTION NO. 14- 60

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWGRASS FESTIVAL ON THE DATE OF SATURDAY, SEPTEMBER 20, 2014 FROM 12:00 PM – 8:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Brewgrass event area, as set forth in Exhibit A, attached.

   The Brewgrass Festival event area is within the boundaries of Memorial Stadium including a fenced extension onto adjacent City property.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Brewgrass Festival on Saturday, September 20, 2014 from 12:00 PM – 8:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt

beverages and/or unfortified wine are not allowed anywhere in the Brewgrass Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Brewgrass Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Brewgrass Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of April, 2014.

Magdalen Burleson
City Clerk

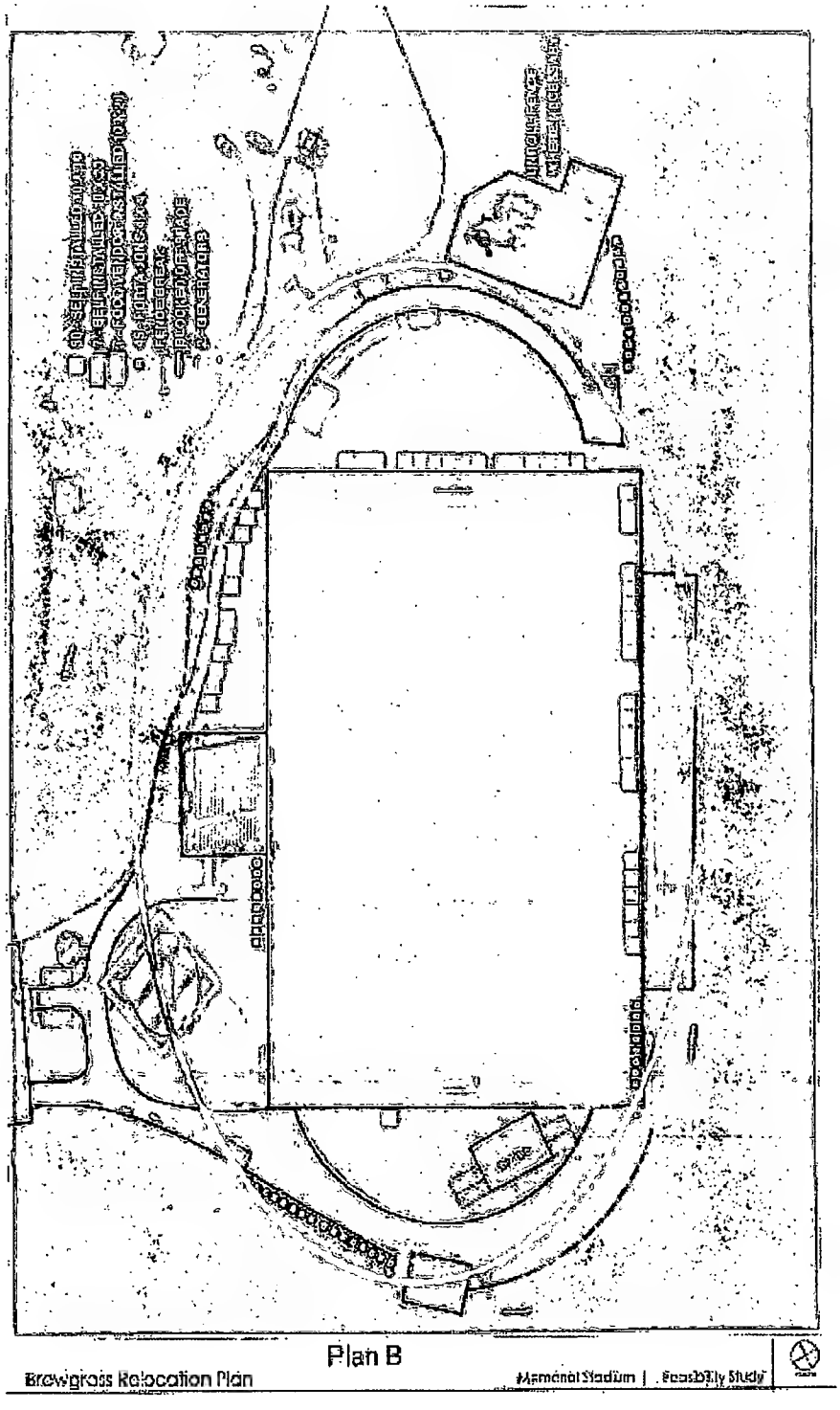
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A


Plan B
Brewgrass Relocation Plan
Memorial Stadium | Feasibility Study

RESOLUTION NO. 14- 61

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE HALF MARATHON & 10K ON THE DATE OF SATURDAY, JUNE 7, 2014 FROM 8:00 AM – 1:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Half Marathon & 10K.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Half Marathon & 10K event area, as set forth in Exhibit A, attached.

   The Asheville Half Marathon & 10K event area is within the boundaries of Pack Square Park's Roger McGuire Green and within the City Hall/Courthouse parking lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Half Marathon & 10K on Saturday, June 7, 2014 from 8:00 AM – 1:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum

cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Half Marathon & 10K event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Half Marathon & 10K event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville Half Marathon & 10K, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of April, 2014.

Magdalen Burleson
City Clerk

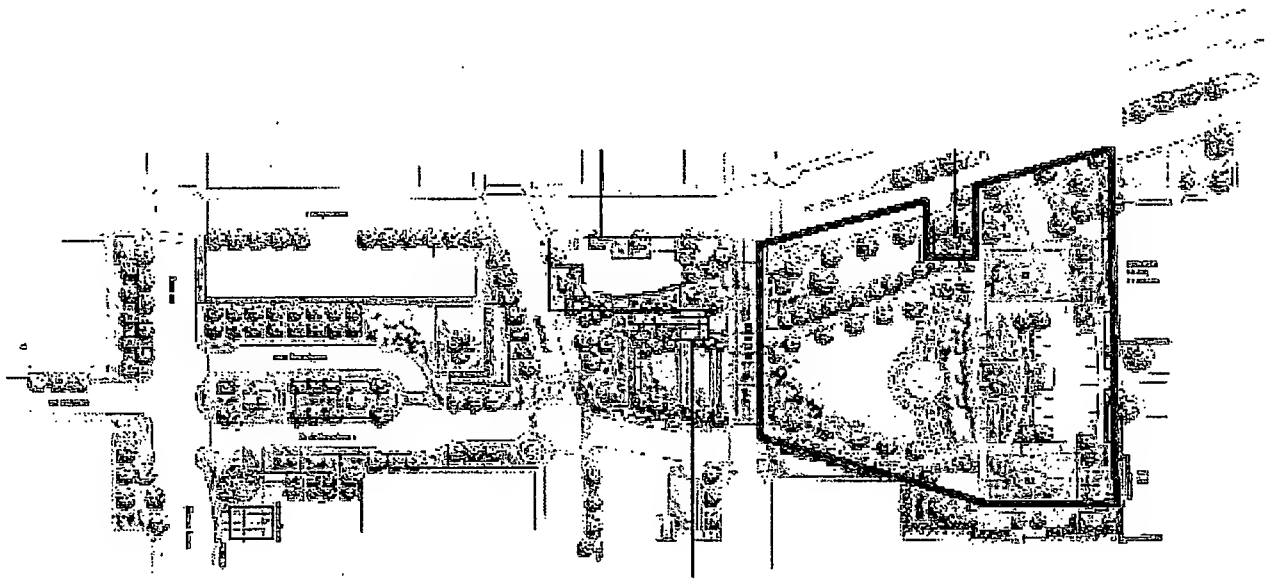
Mayor

Approved as to form:

Martha McGlohon
City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



ALCOHOL BOUNDARY

129

RESOLUTION NO. 14- 62

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BIG LOVE FEST ON THE DATE OF SUNDAY, AUGUST 24, 2014 FROM 12:00 PM – 8:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Big Love Fest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Big Love Fest event area, as set forth in Exhibit A, attached.

   The Big Love Fest event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Big Love Fest on Sunday August 24, 2014 from 12:00 p.m. – 8:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Big Love Fest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Big Love Fest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Big Love Fest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of April, 2014.

Magdalen Burleson
City Clerk

Mayor

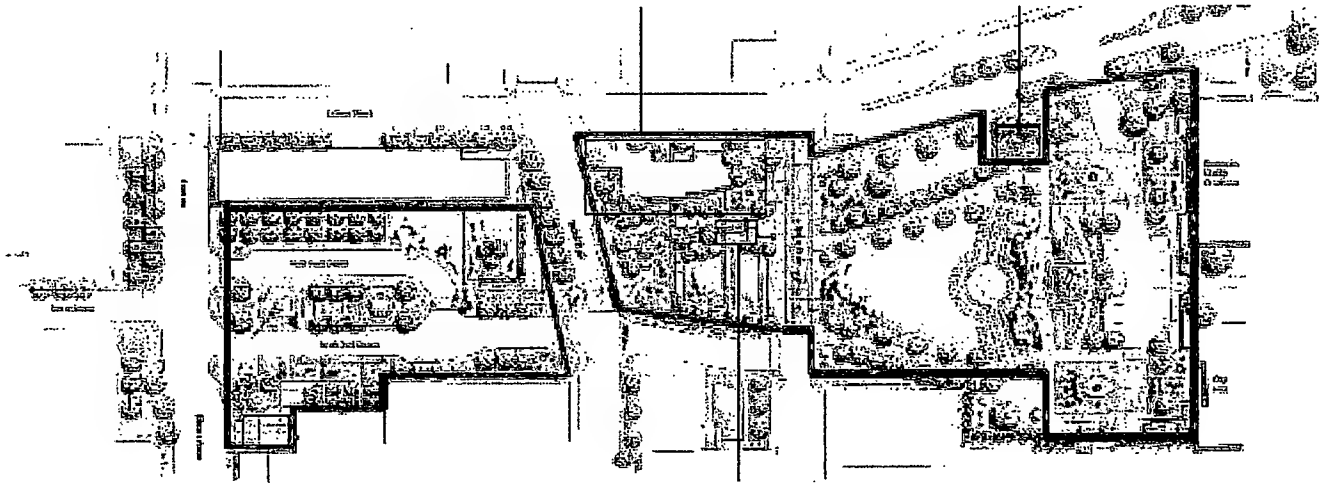
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

131

Exhibit A



Alcohol Area

RESOLUTION NO. 14- 63

RESOLUTION TO REALLOCATE EMERGENCY SOLUTIONS GRANT FUNDS

WHEREAS, the State of North Carolina receives and administers Emergency Solution Grant (ESG) funds for FY 2012-2013 from the US Department of Housing and Urban Development; and

WHEREAS, the State has funded, and the City of Asheville has received ESG funds; and

WHEREAS, The City of Asheville has sub-granted funds to agencies providing eligible and funded services; and

WHEREAS, an unspent ESG grant balance of $10,221 must be reallocated and spent for eligible purposes by September 30, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

$10,221 of FY2012-2013 Emergency Solutions Grant be allocated to Homeward Bound of Western North Carolina, Inc, for the purpose of rapidly rehousing homeless households

Read, approved and adopted this 8th day of April, 2014.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

133

RESOLUTION NO. 14-64

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PRIVATE DONATIONS FROM THE COMMUNITY FOUNDATION OF WESTERN NORTH CAROLINA, INC.

WHEREAS, pursuant to N.C.G.S. 160A-240.1, a city may acquire, by gift, grant, devise, exchange, purchase, lease or any other lawful method, the fee or any lesser interest in real or personal property for use by the City or any department of the City; and

WHEREAS, citizens or groups have donated to the Asheville Police Department the amount of $215;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept funds donated to the APD in the amount of $215.

Read, approved, and adopted this 8th day of April 2014.

Magdalen Bowerson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowerson
City Clerk

RESOLUTION NO. 14-65

RESOLUTION ABANDONING WATERLINE AND EASEMENT LOCATED AT WEST EUCLID PARKWAY AND SAINT CHARLES PLACE AND AUTHORIZING THE CITY MANAGER TO EXECUTE INSTRUMENTS EFFECTING SAID ABANDONMENT

WHEREAS, N. C. Gen. Stat. sec. 160A-240.1 authorizes a City to acquire an interest in real property for use by the City; and

WHEREAS, a waterline and easement was conveyed to the City of Asheville (herein "City,"), by plat recorded in Plat Book 153 at Page 74 and recorded in the Buncombe County Register of Deeds Office, crossing parcels 90 and 91 at West Euclid Parkway and Saint Charles Place; and

WHEREAS, the real property upon which the easement was acquired is more particularly described in Deed Book 4823 at Page 955 and recorded in the Buncombe County Register of Deeds Office; and

WHEREAS, the real properties being serviced by the aforementioned waterline and easement have been transferred to other waterlines in the surrounding community; and

WHEREAS, the City has abandoned the waterline and easement and is no longer in need of the waterline and easement as set forth in Plat Book 153 at Page 74, and does not anticipated any future need for the waterline and easement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager of the City of Asheville is hereby authorized to execute appropriate instruments to give effect to this resolution, subject to the approval of the City Attorney.

Read, approved and adopted this 8th day of April, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-66

RESOLUTION AMENDING THE 2014 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby adopts the following budget calendar:

- Budget worksession for policy direction on the operating budget on Tuesday, April 22, 2014, beginning at 3:00 p.m. in the 1st Floor North Conference Room in City Hall, located at 70 Court Plaza, Asheville, N.C.
- Budget worksession for policy direction on the Capital Improvement Plan budget on Tuesday, May 13, 2014, beginning at 3:00 p.m. in the 1st Floor North Conference Room in City Hall, located at 70 Court Plaza, Asheville, N.C.
- May 27, 2014 - Budget Presentation of the Fiscal Year 2014-15 Annual Operating Budget; and motion setting a public hearing on June 10, 2014 - Council Chamber in City Hall
- June 10, 2014 - Public hearing on the Fiscal Year 2014-15 Annual Operating Budget - Council Chamber in City Hall
- June 24, 2014 - Adoption of the Fiscal Year 2014-15 Annual Operating Budget - Council Chamber in City Hall

Read, approved and adopted this 8th day of April, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-67

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY 0.249 ACRES OF REAL PROPERTY LOCATED AT 550 NEW AIRPORT ROAD TO THE N.C. DEPT. OF TRANSPORTATION

WHEREAS, North Carolina General Statutes Section 160A-274 provides for a municipality to transfer interest in real property to any other unit of government; and

WHEREAS, the City of Asheville owns certain property at 550 New Airport Road, being a 10.37 acre of real estate at PIN 9643-65-9051-00000; and

WHEREAS, the N.C. Dept. of Transportation (NCDOT) has requested to purchase a 0.249 acre portion of said property for the purposes of right-of-way needed for NCDOT Project# I-5501 Interstate 26 / NC 280 Interchange; and

WHEREAS, NCDOT has offered to purchase this portion of real property for $180,000 and this price has been substantiated by two independent MAI appraisals;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-274, the City Manager is hereby directed to convey 0.249 acres of real property at 550 New Airport Road, PIN 9643-65-9051-00000 to the North Carolina Department of Transportation. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 8th day of April 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

Martha McKibbon
CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14- 68

RESOLUTION TO APPROVE A LOAN FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, on March 18, 2014, the City Council's Housing and Community Development Committee made a recommendation to Council to approve a 2013-14 Housing Trust Fund loan to Biotat. LLC for the Oak Hill Commons project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A loan of $58,106 amortized at 2.00% annual interest-only with principal deferred for twenty (20) years is authorized for Biotat, LLC for the development of thirty (30) hard to house rental units as part of the project known as Oak Hill Commons; to be made immediately available for disbursement following loan closing. All units shall be restricted to families earning 60% or less of the Area Median Income.

Read, approved and adopted this 8th day of April, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-69

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS/POLICE ADVISORY COMMITTEE

WHEREAS, Mr. Grant Osborne (south representative) has resigned as a member of the Citizens-Police Advisory Committee, thus leaving an unexpired term until June 30, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Brad Galbraith, 5 Bevlyn Drive Asheville, N.C., be and he is hereby appointed as the south area representative on the Citizens/Police Advisory Committee, to serve the unexpired term of Mr. Osborne, term to expire June 30, 2014, and then a full three-year term, term to expire June 30, 2017, or until his successor has been appointed.

Read, approved and adopted this 8th day of April, 2014.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

Martha McGlohon
CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-70

RESOLUTION AUTHORIZING THE CITY MANAGER SUBMIT A GRANT APPLICATION TO THE U.S. DEPT. OF TRANSPORTATION TIGER PROGRAM, AND TO AUTHORIZE THE CITY MANAGER TO SIGN A LETTER OF COMMITMENT TO PROVIDE MATCHING FUNDS IF THE CITY IS AWARDED THE GRANT

WHEREAS, the City has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants; and

WHEREAS, the USDOT issued a Notice of Funding Availability (NOFA) for TIGER funds on March 3, 2014; and

WHEREAS, the City of Asheville has identified a transportation project that meets the goals and requirements contained in the NOFA; and

WHEREAS, City Council has identified implementation of this project as a key strategic goal; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to submit a grant application to the USDOT TIGER Program in response to the March 3, 2014 NOFA, and is further authorized to sign a letter indicating the City of Asheville's commitment to provide matching funds if the City is awarded the grant.

Read, approved and adopted this the 22nd day of April, 2014.

Magdalen Bulleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

Martha McMahon
City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-71

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES INC. FOR THE DEVELOPMENT OF A MULTIMODAL TRANSPORTATION PLAN FOR THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville has authority pursuant to Article 3, Section 160A-20.1 of the North Carolina General Statutes to enter into contracts with private entities; and

WHEREAS, the City issued a Request for Proposals (RFP) to engage an external consultant to develop a Multimodal Transportation Plan to analyze existing transportation network and develop strategies to create and interconnected and efficient transportation network; and

WHEREAS, after reviewing the Responses to the RFP submitted by seven companies, City staff recommends that the City enter into a contract with Kimley-Horn and Associates, Inc.;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract with Kimley-Horn and Associates, Inc. for the development of a Multimodal Transportation Plan for the City of Asheville, and to execute any charge orders up to the budgeted amount.

Read, approved and adopted this the 22nd day of April, 2014.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 14 -72

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MUNICIPAL AGREEMENT WITH NCDOT APPROVING A PROJECT FOR MAKING IMPROVEMENTS ON I-240 FROM I-26/I-40 TO SR 1781 (BROADWAY) IN ASHEVILLE

WHEREAS, the North Carolina Department of Transportation (NCDOT) has prepared and adopted plans to make certain street and highway improvements within the City of Asheville under Project I-5608, Buncombe County, said plans to consist of making improvements on I-240 from I-26/I-40 to SR 1781 (Broadway); and

WHEREAS, the NCDOT and the City of Asheville propose to enter into an Agreement for the above-captioned project whereby the City agrees that there is not any requirement from the City at this time; and

WHEREAS, the NCDOT agrees to acquire the right-of-way and construct the project in accordance with the approved project plans; and

WHEREAS, the Agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign and execute a municipal agreement between the North Carolina Department of Transportation and the City of Asheville approving Project I-5608.

Read, approved and adopted this 22nd day of April 2014.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 14-73

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE U.S. GOVERNMENT GENERAL SERVICE ADMINISTRATION FOR SATELLITE PROPERTY STORAGE SPACE AT THE VEACH-BALEY FEDERAL COMPLEX , LOCATED AT 151 PATTON AVENUE IN ASHEVILLE

WHEREAS, N.C. Gen. Stat. sec. 160A-274 authorize the City to lease real property from any governmental unit, upon terms and conditions as it deems wise, with or without consideration; and

WHEREAS, the City contemplates the development of a satellite property and evidence annex; and

WHEREAS, the United States General Service Administration ("Lessor") is the owner of real property located in the basement of the Veach-Baley Federal Complex (NC0002) at 151 Patton Avenue; and

WHEREAS, the City of Asheville ("Lessee") has offered to enter into a lease for approximately 2,185.28 square feet storage space for an initial term of 36 months, beginning May 1, 2014 and ending April 30, 2017 with an option to renew, providing that 60 days written notice is given before the end of the fixed term; and

WHEREAS, the base rental rate for the leased premises is $21,852.80 per year for a total of $65,558.40 for the 36 month fixed term; and

WHEREAS, the Lessor shall furnish janitorial services, space maintenance services, and all utilities during normal building hours for 11 hours/day, excluding weekends and Federal holidays; and

WHEREAS, the Lessee's needs for the property during the term of the lease are compatible with the proposed lease;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to execute a lease agreement with the U.S. Government General Service Administration for property located at 151 Patton Avenue in the basement of the Veach-Baley Federal Complex.
2. In addition, the City Manager be, and is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 22nd day of April, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-74

RESOLUTION AUTHORIZING A 60-DAY EXTENSION TO THE PACK PLACE EDUCATION, ARTS & SCIENCE CENTER INC. LEASE

WHEREAS, City Council provided direction to the City's outside legal counsel concerning negotiations involving the City's lease with Pack Place Education, Arts & Science Center, Inc.; and

WHEREAS, City Council was advised of a proposed action on the Pack Place Board agenda for April 9 to make an offer to renew the lease with the City under its existing terms; and

WHEREAS, City Council was advised that Pack Place tenant Colburn Earth Science Museum wished to remain in the premises until December 31, 2014; and

WHEREAS, outside legal counsel advised Council of the potential benefits to extending the Pack Place lease for 60 days, which would be to provide the opportunity for lease negotiations to continue and the needs of Colburn Earth Science Museum and other tenants to be met, and of not seeking rent or capital contribution from Pack Place tenants, to allow a transition period for Pack Place tenants; and

WHEREAS, City Council authorized the City Manager to offer to extend the Pack Place lease for 60 days, and to not seek rent or capital contribution from Pack Place tenants through the end of 2014, contingent on Pack Place not making the offer to renew the lease under its existing terms at this time; and

WHEREAS, on April 9, 2014, the Pack Place Board passed a resolution to extend the lease with the City by 60 days, and the motion to offer to renew the lease under the existing terms was withdrawn;

WHEREAS, this extension is authorized pursuant to the provisions of N.C.G S. 160A-272;

WHEREAS, a notice shall be published regarding the 60-day extension;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager of the City of Asheville is hereby authorized to extend the Pack Place lease for 60 days.

2. The City of Asheville shall not seek rent or capital contribution from Pack Place tenants for the year 2014.

3. The City Manager is hereby authorized to execute any and all other documents to effectuate the 60 day extension to the Pack Place lease.

Read, approved and adopted this 22nd day of April, 2014.

Magdalen Bullison
CITY CLERK

MAYOR

Approved as to form:

Martha McKibbon
CITY ATTORNEY

Magdalen Bullison
City Clerk

RESOLUTION NO. 14-75

RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT A FARE- FREE DAY ON MAY 19, 2014, IN ORDER TO PROMOTE STRIVE NOT TO DRIVE ACTIVITIES FROM MAY 16 – 25, 2014

WHEREAS, Strive Not To Drive week focuses on promoting transportation alternatives to the single-occupant car; and

WHEREAS, this Strive Not To Drive event wants to promote the use of transit; and

WHEREAS, fare-free has proven to be an effective way to show riders appreciation and introduce new riders to the system and to promote transit.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to implement fare-free day on May 19, 2014 in order to promote Strive Not To Drive activities from May 16 – 25, 2014.

Read, approved, and adopted this the 22th day of April 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14-76

RESOLUTION DIRECTION STAFF TO PREPARE REPORT A FOR THE CREATION OF A MUNICIPAL SERVICE DISTRICTS FOR THE SOUTH SLOPE AND TO SET A PUBLIC HEARING ON MAY 27, 2014

WHEREAS, the South Slope is recognized as an up and coming economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the South Slope is critical to all citizens; and

WHEREAS, City Council adopted the Downtown Master Plan in May 2009, which recognized the South Slope as distinct place, and recommended cultivating that distinct place as a major southern gateway to downtown; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. A public hearing to consider the creation of a Municipal Service District for the South Slope on May 27, 2014.

Section 2. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 3. Notice of the public hearing shall be given as required by law.

Read, approved, and adopted this 22nd day of April, 2014.

Magdalena Bruilson
CITY CLERK

MAYOR

Approved As To Form:

Martha McKlohon
CITY ATTORNEY

Magdalena Bruilson
City Clerk

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RESOLUTION NO. 14-77

RESOLUTION DIRECTION STAFF TO PREPARE A REPORT FOR THE CREATION OF MUNICIPAL SERVICE DISTRICTS FOR THE RIVER ARTS DISTRICT AND TO SET A PUBLIC HEARING ON MAY 27, 2014

WHEREAS, the River Arts District is recognized as an economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the River Arts District is critical to all citizens; and

WHEREAS, City Council adopted the Wilma Dykeman RiverWay Master Plan in June 2004, which recommends significant infrastructure improvements be made to support urban revitalization; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. A public hearing to consider the creation of a Municipal Service District for the River Arts District on May 27, 2014.

Section 2. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 3. Notice of the public hearing shall be given as required by law.

Read, approved, and adopted this 22nd day of April, 2014.

Magdalena Bulleson
CITY CLERK

MAYOR

Approved As To Form:

Martha McKloskon
CITY ATTORNEY

Magdalena Bulleson
City Clerk

RESOLUTION NO. 14-78

RESOLUTION DIRECTION STAFF TO PREPARE A REPORT FOR THE CREATION OF MUNICIPAL SERVICE DISTRICTS FOR NORTH CHARLOTTE STREET AND TO SET A PUBLIC HEARING ON MAY 27, 2014

WHEREAS, the north Charlotte Street corridor is recognized as an economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the north Charlotte Street corridor is critical to all citizens; and

WHEREAS, City Council desires to improve bicycle and pedestrian facilities in the corridor without impairing vehicular access; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. A public hearing to consider the creation of a Municipal Service District for north Charlotte Street on May 27, 2014.

Section 2. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 3. Notice of the public hearing shall be given as required by law.

Read, approved, and adopted this 22nd day of April, 2014.

Magdalen Bronson
CITY CLERK

MAYOR

Approved As To Form:

Martha McGlothlin
CITY ATTORNEY

Magdalen Bronson
City Clerk

151

RESOLUTION NO. 14-79

RESOLUTION REGARDING NEW FDA REGULATIONS FOR FARMERS

WHEREAS, the growing craft beer business in Buncombe County is a perfect example of the opportunity to connect struggling livestock producers to a low cost feed source available from new and developing breweries in the area; and

WHEREAS, this feeding process had been a proven practice for many years in other parts of North Carolina and provides a much needed increase in farm income by lowering the cost of cattle production. This additional income source encourages our local farmers to keep family farms working rather than to sell for real estate development; and

WHEREAS, City Council gives its unwavering support for reasonable regulation that strengthens the safety of our food supply for humans and animals; however, this Council is concerned with the proposed regulation of spent brewers' and distillers' grains under the Food and Drug Administration (FDA) proposed rule, *Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls For Food For Animals* (proposed animal food rule); and

WHEREAS, by establishing a broad definition of "animal food", FDA extends this regulation to encompass finished product, raw materials and ingredients such as spent brewers' grains. Spent grains are widely used for animal food across this country and the brewing industry has cultivated mutually beneficial relationships with farmers and the animal food industry to take advantage of this local, nutritious and cost effective source of animal food; and

WHEREAS, the animal food industry and farmers have developed best practices to address food safety concerns associated with the use of this product working in conjunction with State Departments of Agriculture, Cooperative Extension programs and land grant universities. The systems currently in place are effectively addressing risks as evidenced by the lack of human or animal food borne illnesses associated with the use of the product; and

WHEREAS, we support our local farmers and numerous craft breweries and respectfully request you give favorable consideration to an adaption of the rule for craft breweries and the farmers who feed wet grain from any new regulations; and

WHEREAS, City Council feels it is in the best interest of the citizens to request that the US Food and Drug Administration help us protect this farm/brewery partnership with this adaptation thereby preserving the opportunity for family farmers in the rural mountain region of North Carolina to enjoy greater income and keep their farms working and productive;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. That City Council encourages FDA to reconsider its regulation and only adopt a rule that both protects our food supply and is minimally disruptive to the long-standing practice of brewers providing wet grain to farmers, which supports both the farming and brewing industries.

2. That a copy of this resolution be sent to our local representatives and congressional representatives.

3. That this resolution be effective upon its adoption.

Read, approved and adopted this 22nd day of April, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-80

RESOLUTION TO PERMANENTLY CLOSE UNIVERSITY HEIGHTS AND A PORTION OF EDGEWOOD ROAD

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-299 to permanently close street or alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close University Heights and a portion of Edgewood Road; and

WHEREAS, City Council on the 25th day of March, 2014 adopted a resolution of intent to permanently close University Heights and a portion of Edgewood Road, and ordered a public hearing on the question of the closing for the 22nd day of April 2014 at its regular meeting on the 2nd floor of the City Hall Building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order for public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit present to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed a two location along said portion of University Heights and a portion of Edgewood Road; and

WHEREAS, at said public hearing no objections were made that the proposed closing of University Heights and a portion of Edgewood Road would deprive any individual owning property in the vicinity in which said closure is located of reasonable mean of ingress and regress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to the North Carolina General Statutes Section 160A-299, University Heights and a portion of Edgewood Road as herein described is permanently closed to the public.

(1) University Heights in its entirety, including the circular part, the Y-shaped intersection with Edgewood Road, and the part that leads down the hill to W. T. Weaver Boulevard; and
(2) The southernmost part of Edgewood Road, beginning at the Y=intersection described above and extending in a northerly and easterly direction for approximately 900 feet to the northeast corner of the University property as described in Deed Book 1003 at Page 267. Both descriptions are more particularly shown on the Exhibit "A" attached hereto and incorporated herein by reference.

This closing is subject to the retention by the City of Asheville Water Resources Department its successors and assigns, of a 20-foot wide permanent easement for the operation and maintenance of water lines lying 10 feet on each side of the center line of said water line located within the portion of University Heights and portion of Edgewood Road

proposed to be permanently closed, and allow access to City of Asheville waterlines contained within property boundaries of the University of North Carolina at Asheville.

Read, approved and adopted this 22nd day of April, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

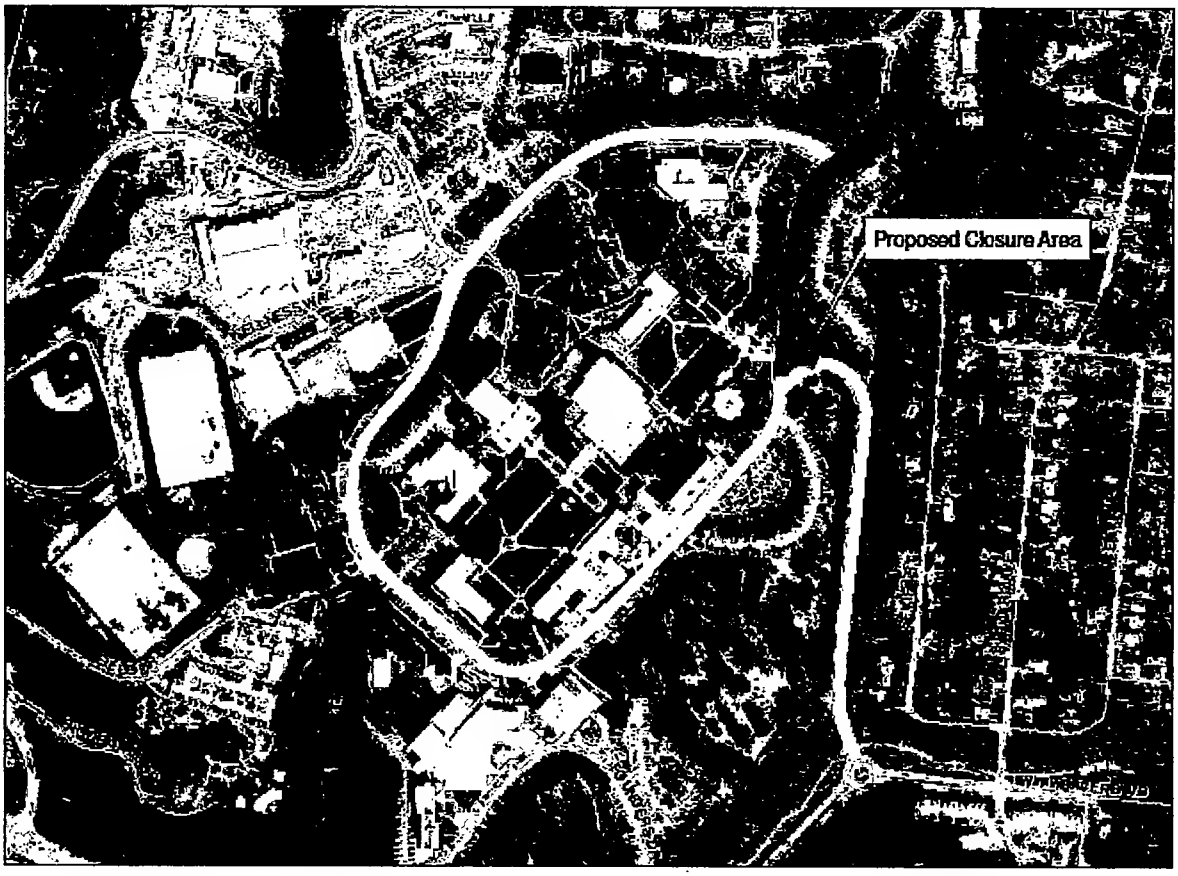
Martha McMahon
City Attorney

Magdalen Burleson
City Clerk

Right Of Way Closure

Unopened Right of Way
University Heights and a portion of Edgewood Road

N

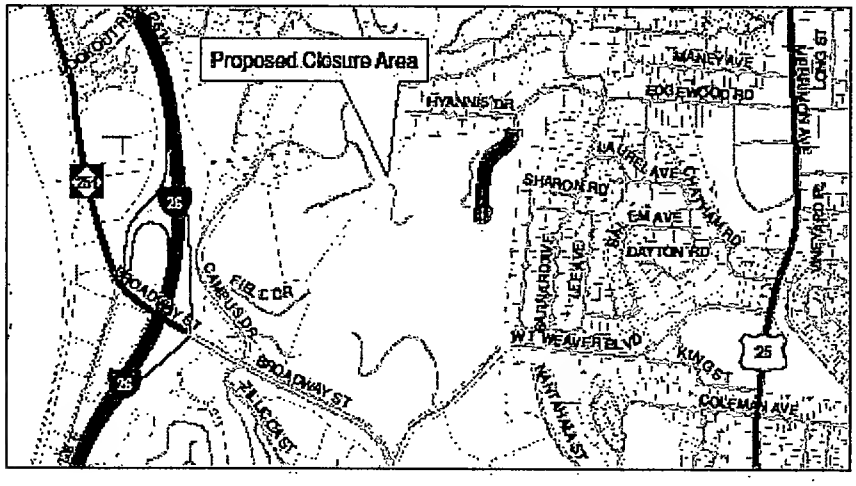


Legend

- Local Interstate Highways (Buncombe County)
- Local US Highways (Buncombe County)
- Local NC Highway (Buncombe County)
- Local Highway Ramps (Buncombe County)
- Local Blue Ridge Parkway (Buncombe County)
- NC Interstate Highways (Generalized)
- Streets (Buncombe County)

University Heights

Edgewood Road



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RESOLUTION NO. 14-81

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF ASHELAND AVENUE

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-299 to permanently close streets or alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close a portion of Asheland Avenue; and

WHEREAS, City Council on the 25th of March, 2014 adopted a resolution of intent to permanently close a portion of Asheland Avenue and ordered a public hearing on the question of closing for 22nd day of April, 2014 at its regular meeting on the 2nd floor of the City Hall Building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order for public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit present to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two location along said portion of Asheland Avenue; and

WHEREAS, at said public hearing no objections were made that the proposed closing of a portion of Asheland Avenue would deprive any individual owning property in the vicinity in which said closure is located of reasonable mean of ingress and regress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to the North Carolina General Statutes Section 160A-299, a portion of Asheland Avenue as herein described is permanently closed to the public:

Beginning at a #5 Rebar with McAbee Identification Cap (being 0.3' below the adjacent grade) located in the southern margin of the lands running along the southern extents of Hilliard Avenue and held by the City of Asheville (shown as Parcel "A" in Plat Book 45 Page 35); said Rebar being located South 75°04'16" West 23.53' and North 81°21'18" West 115.93' from another #5 Rebar with McAbee Identification Cap (being 0.5' below the adjacent grade) which bears NC Grid Coordinates (NAD83-2011) of: Northing= 688,963.91' and Easting= 943,120.10'; thence from the point of beginning and running with the eastern margin of the existing 100' City of Asheville public right of way over Asheland Avenue on a curve turning to the left with an arc length of 51.23', with a radius of 30.03', with a chord bearing of South 49°46'16" West and a chord length of 45.24' to a #5 Rebar with McAbee Identification Cap (being flush with the adjacent grade); thence continuing with the said eastern margin of Asheland Avenue South 00°53'51" West passing a #5 Rebar with McAbee Identification Cap (being 0.8' below the adjacent grade) at a distance of 76.95' and further passing another #5 Rebar with McAbee Identification Cap (being 0.2' below the adjacent grade) at a distance of 344.65' for a

total distance of 464.62' to a survey marker nail found; thence leaving the eastern margin of the said existing right of way over Asheland Avenue North 89°12'48" West a distance of 23.66' to a #4 Rebar with Mcabee Identification Cap Set (flush with the adjacent grade) located on the eastern margin of the new City of Asheville public right of way over Asheland Avenue; the eastern margin of the said new right of way running at all points 71.5' from the face of the curbing located along the western edge of Asheland Avenue; thence with this new right of way line the following six courses and distances: North 00°47'12" East a distance of 41.84' to a calculated point, North 00°55'59" East a distance of 125.86' to a calculated point, North 01°54'20" East a distance of 57.69' to a calculated point, North 03°48'53" East a distance of 114.72' to a calculated point, North 05°04'03" East a distance of 62.42' to a calculated point and finally North 05°13'17" East a distance of 65.94' to a #4 Rebar with Mcabee Identification Cap Set (flush with the adjacent grade); thence following a curve turning to the right and towards the southern margin of the said lands running along the southern extents of Hilliard Avenue, and held by the City of Asheville, having an arc length of 48.92', with a radius of 30.00', with a chord bearing of North 51°55'59" East and a chord length of 43.67' to another #4 Rebar with Mcabee Identification Cap Set (flush with the adjacent grade); thence continuing with the southern margin of the City of Asheville property South 81°21'18" East a distance of 7.49' to the point and place of beginning. Containing 0.215 acres / 9,355 square feet, as more particularly shown on a survey prepared by McAbee and Associates, P.A., dated December 19, 2013, attached hereto as Exhibit A.

This closing is subject to the retention by the Metropolitan Sewage District, its successors and assigns, of a 20-foot wide permanent easement for the operation and maintenance of sewer lines lying 10 feet on each side of the center line of said sewer line located within the portion of Asheland Avenue Road proposed to be permanently closed.

Read, approve and adopted this 22nd day of April, 2014

Magdalen Burleson
City Clerk

Mayor

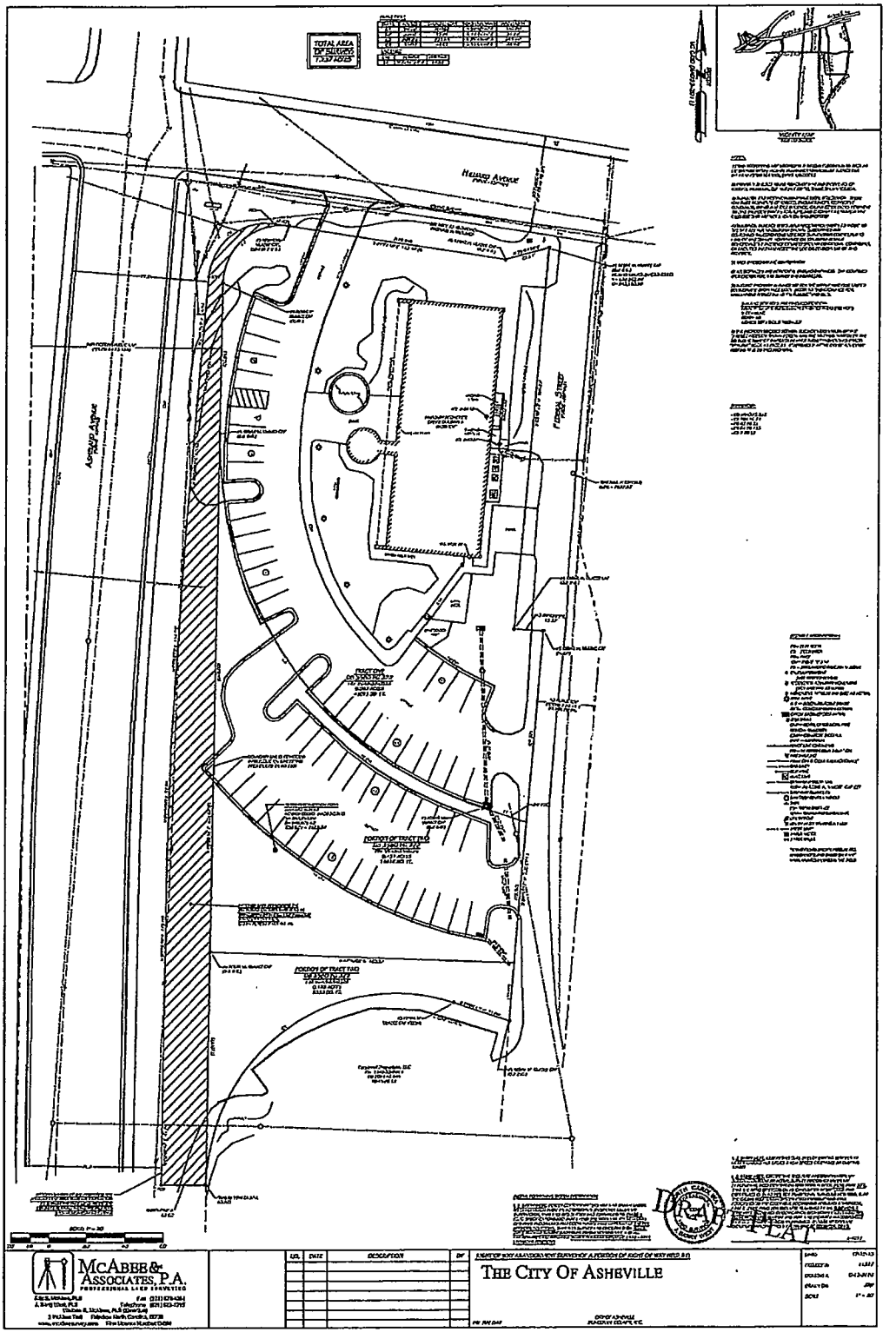
Approved as to form:

Martha McKlohon
City Attorney

Magdalen Burleson
City Clerk

157

Exhibit A



RESOLUTION NO. 14-82

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2014-2015 TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, the City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2010-2015; and

WHEREAS, each year the City must submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Annual Action Plan detailing its proposed use of CDBG and HOME funds; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, for an Action Plan for fiscal year 2014-15; and

WHEREAS, a public hearings has been held on April 22, 2014 to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the submission to HUD of the Consolidated Annual Action Plan for 2014-15 which is incorporated by reference as if fully set forth herein.

2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the Consolidated Action Plan.

Read, approved and adopted this 22rd day of April, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

159

City of Asheville
Proposed Action Plan for CDBG and HOME Funds

The City of Asheville has prepared a draft of the Housing and Community Development Annual Action Plan for 2014-2015 for public comment:

The Annual Action Plan for 2014-15 sets out how the City of Asheville and the Asheville Regional Housing Consortium propose to use an estimated $2,370,468 in federal Community Development Block Grant (CDBG) and HOME funds in the year beginning July 1, 2014.

The draft plan will be posted on the internet at www.ashevillenc.gov and is also available at the Planning Dept., 5th floor of City Hall; 828-259-5721. Written comments should be sent to: Jeff Staudinger, Community Development Division, City of Asheville, P.O. Box 7148, Asheville, NC 28802 (jstaudinger@ashevillenc.gov), to arrive by April 21, 2014.

A public hearing on the Plan will be held at the City Council meeting starting at 5:00 PM on Tuesday, April 22, 2014, in Asheville City Hall. Citizens are encouraged to offer comments.

SUMMARY OF ANNUAL ACTION PLAN FOR 2014-2015

CDBG PROGRAM

Projected Revenue:

Estimated 2014-15 Program Income	$63,700
Unbudgeted 2013-2014 Program Income	$97,000
Funds available for reallocation	$58,000
New CDBG Entitlement Grant	$955,989
Total CDBG Funds Available:	$1,174,689

Proposed Use of Funds:

PROGRAM	2014-2015 Funding Recommend.
Asheville Area Habitat for Humanity - Home Repair	$ 49,902
Asheville Area Habitat for Humanity - Homeowner Education	$ 60,720
Asheville Buncombe Community Christian Ministry - Housing Services HPRP	$ 15,180
Asheville Buncombe Community Relations Council - Fair Housing	$ 16,587
Asheville City Schools Foundation - After School Program	$ 26,811
Green Opportunities - Job Training and Placement	$ 150,000
Helpmate - Domestic Violence Services	$ 16,567
Homeward Bound - AHOPE	$ 50,265

Homeward Bound - Pathways to Permanent Housing	$	85,000
Mountain Bizworks - Business Coaching for Entrepreneurs	$	70,840
Mountain Housing Opportunities - Downpayment Assistance	$	60,000
Mountain Housing Opportunities - Lending Services	$	131,560
Mountain Housing Opportunities - Tier I Repair	$	75,000
Mountain Housing Opportunities - Tier II Repair	$	75,000
OnTrack - Financial Counseling	$	10,053
Pisgah Legal Services - Homelessness Prevention	$	50,265
Womens Wellbeing and Development Foundation - Ujamaa Freedom Market	$	27,000
City of Asheville Program Administration	$	203,938
RECOMMENDED FUNDING	**$**	**1,174,689**

HOME PROGRAM

Projected Revenue:

Estimated Program Income 2014-2015	$19,526
Unbudgeted 2013-2014 Program Income	$69,227
Funds Available for Reallocation	$97,839
HOME Allocation 2014-2015	$1,009,187
Total HOME Funds Available	**$1,195,779**

Proposed Use of Funds:

PROGRAM	2014-2015 Funding Recommend.
Asheville Area Habitat for Humanity - Shiloh Taft Avenue Project	$ 10,000
Asheville Buncombe Community Christian Ministry - Homeless Prevention and Rapid Re-housing	$ 10,674
Biotat - Oak Hill Commons	$ 100,000
Community Housing Coalition of Madison County - Rural Rehabilitation	$ 40,000
Givens Estate - Gerber Village Phase I	$ 100,000
Homeward Bound - Buncombe Homeless Prevention and Rapid Re-housing	$ 121,214
Homeward Bound - Henderson Homeless Prevention and Rapid Re-housing	$ 40,000
Homeward Bound - Tenant Based Rental Assistance	$ 55,000
Western Carolina Community Action - Transylvania Tenant Based Rental Assistance	$ 60,000
Mountain Housing Opportunities - East Haven Apartments	$ 100,000
Housing Assistance Corporation - Rosebay Apartments	$ 425,200
City of Asheville Program Administration	$ 118,891
CHDO Operating Expenses	$ 15,000
RECOMMENDED FUNDING	**$ 1,195,779**

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RESOLUTION NO. 14-83

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE COUNTY OF HENDERSON REGARDING REAL PROPERTY LOCATED ON FERRY ROAD, IN THE COUNTY OF BUNCOMBE, STATE OF NORTH CAROLINA

WHEREAS, the City of Asheville (Asheville) has the authority pursuant to Article 20 Chapter 160A of the North Carolina General Statutes to enter into an Interlocal Agreement; and

WHEREAS, Asheville has the authority pursuant to NCGS §160A-274 to convey interests in real property to other governments upon such terms and conditions as it deems wise, and such conveyance may be with or without consideration; and

WHEREAS, Asheville and Henderson County (Henderson) are parties to several agreements regarding regional water issues, including the "First Amended and Restated Water Supply and Water Service Agreement, ("1995 Agreement");" and

WHEREAS, among the terms of the 1995 Agreement are provisions regarding approximately 137.21 acres of real property located on Ferry Road, in the County of Buncombe, and more particularly described in Deed Book 2152, Page 4, and in Plat Book 50 Page 107 of the Buncombe County Register of Deeds, (Real Property); and

WHEREAS, Asheville and Henderson claim an interest in the Real Property; and

WHEREAS, pursuant to a Consent Judgment entered in Buncombe County Superior Court in 2002 (file number 01 CVS 344), the Real Property was conveyed by Asheville to Henderson County by deed recorded July 15, 2002, in Book 2852, Page 775, Buncombe County Registry; and

WHEREAS, Asheville and Henderson desire to enter into this Interlocal Agreement to address the Real Property;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor of the City of Asheville is hereby authorized to enter into a Interlocal Agreement with the County of Henderson regarding the approximately 137.21 acres of real property described in Deed Book 2152, Page 4, and in Plat Book 50 Page 107, of the Buncombe County Register of Deeds.

The Mayor is further authorized to execute any and all other documents to effectuate and carry into effect the terms of the Interlocal Agreement.

Read, approved and adopted this 22nd day of April, 2014

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-84

RESOLUTION ADOPTING THE 2014 LEGISLATIVE AGENDA FOR THE CITY OF ASHEVILLE

WHEREAS, the 2014 North Carolina general Assembly "short session" will convene on May 14, 2014; and

WHEREAS, the City Council of the City of Asheville has identified certain matters of local and State-wide interest where legislative action is needed or desired;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The "City of Asheville Legislative Agenda for the 2014 Session of the North Carolina General Assembly," attached hereto as Exhibit A, is hereby adopted.

The City Attorney is hereby directed to transmit a certified copy of this Resolution to the members of the General Assembly whose districts include the City of Asheville.

The City Council offers the City's assistance to members of the General Assembly and the legislative staff with respect to any items listed on Exhibit A, including the provision of additional information, and further resolutions in support of specific bills.

BE IT FURTHER RESOLVED that the Asheville City Council expresses its thanks and appreciation to the members of the local delegation for their service on behalf of the City of Asheville.

Read, approved and adopted this 22nd day of April, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A

2014 City of Asheville Legislative Agenda

Environmental Issues

- Support changes to HB 74, Regulatory Reform Act, to restore local control regarding environmental protection.
- Seek legislation requiring the appropriate clean up and disposal of coal ash in coal ash ponds.

Revenue

- Support reducing the complexity and inequity of the privilege license tax while maintaining the tax as a locally controlled source of revenue that supports services to businesses and consumers.
- Seek changes to Session Law 2013-414 to exempt farmers markets and farmers market managers from N.C.G.S. 66-255, allowing farmers markets and farmers market managers to operate without the requirements of registration lists and vendor certificates.
- Seek legislation to give municipalities the option to use electronic legal public notices in lieu of newspaper publication. In FY 2012-2013 the City of Asheville spent $85,000 on notification advertisements and publications.

Transportation Infrastructure

- Seek funding of the I-26 Connector Project as recommended by joint resolution of the Board of Commissioners for the County of Buncombe and the Asheville City Council.

Graffiti

- Seek to strengthen and/or clarify current state law to more effectively deter and punish perpetrators who damage property, such as by committing vandalism with graffiti.

RESOLUTION NO. 14- 85

RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, Marcie Walker has resigned as a member of the Homeless Initiative Advisory Committee, thus leaving an unexpired term until November 1, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Sabrah n'haRaven, 61 Annandale Avenue, Asheville, N.C., be and she is hereby appointed as a member of the Homeless Initiative Advisory Committee, to serve the unexpired term of Ms. Walker, term to expire November 1, 2014, until her successor is duly appointed.

Read, approved and adopted this 22nd day of April, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

Martha McKlobia
CITY ATTORNEY

Magdalen Burleson
City Clerk

165

RESOLUTION NO. 14- 86

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL ON THE DATES OF FRIDAY, MAY 23, 2014, SATURDAY, MAY 24, 2014, & SUNDAY, MAY 25, 2014.

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Mountain Sports Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Mountain Sports Festival event area, as set forth on Exhibit A, attached.

   The Mountain Sports Festival event area is within the boundaries of Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Mountain Sports Festival on Friday, May 23, 2014 from 4:00 p.m. to 10:00 p.m; Saturday, May 24, 2014 from 10:00 a.m. to 10:00 p.m.; and Sunday, May 25, 2014 from 12:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Mountain Sports Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Mountain Sports Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Mountain Sports Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

16-7

Exhibit A

Carrier Park

RESOLUTION NO. 14- 87

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE PACK SQUARE PARK CANOPY UNVEILING ON THE DATE OF WEDNESDAY, MAY 28, 2014 FROM 5:30 PM – 7:30 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Pack Square Park Canopy Unveiling.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Pack Square Park Canopy Unveiling event area, as set forth in Exhibit A, attached.

   The Pack Square Park Canopy Unveiling event area is within the boundaries of Pack Square Park's Roger McGuire Green.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Pack Square Park Canopy Unveiling event on Wednesday, May 28, 2014 from 5:30 p.m. – 7:30 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum

cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Pack Square Park Canopy Unveiling event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Pack Square Park Canopy Unveiling event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Pack Square Park Canopy Unveiling, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Burleson
City Clerk

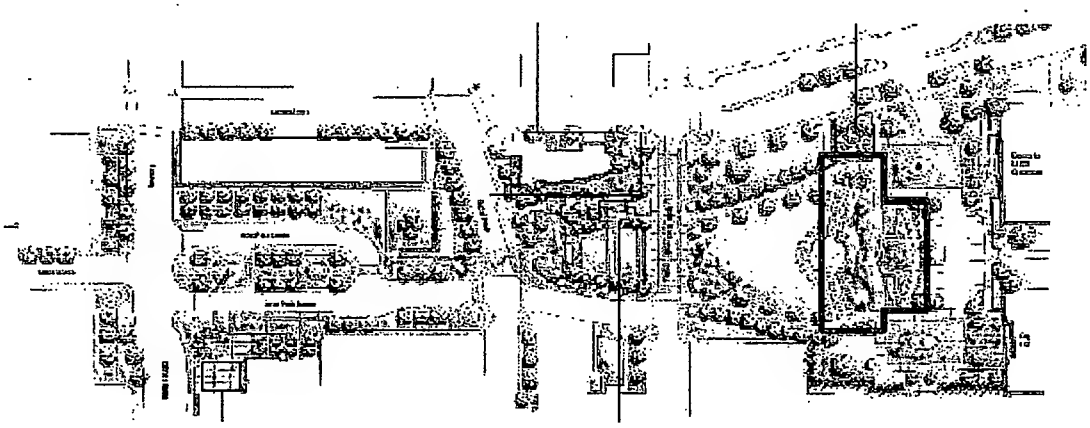
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A



Alcohol Area

171

RESOLUTION NO. 14- 88

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 5 WALNUT ANNIVERSARY ON THE DATE OF THURSDAY, MAY 29, 2014 FROM 5:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the 5 Walnut Anniversary.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the 5 Walnut Anniversary event area, as set forth in Exhibit A, attached.

   The 5 Walnut Anniversary event area is within the boundaries of Walnut Street between the intersections of Broadway & Carolina Lane.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the 5 Walnut Anniversary event on Thursday, May 29, 2014 from 5:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages

and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the 5 Walnut Anniversary event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the 5 Walnut Anniversary event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the 5 Walnut Anniversary, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Burleson
City Clerk

Mayor

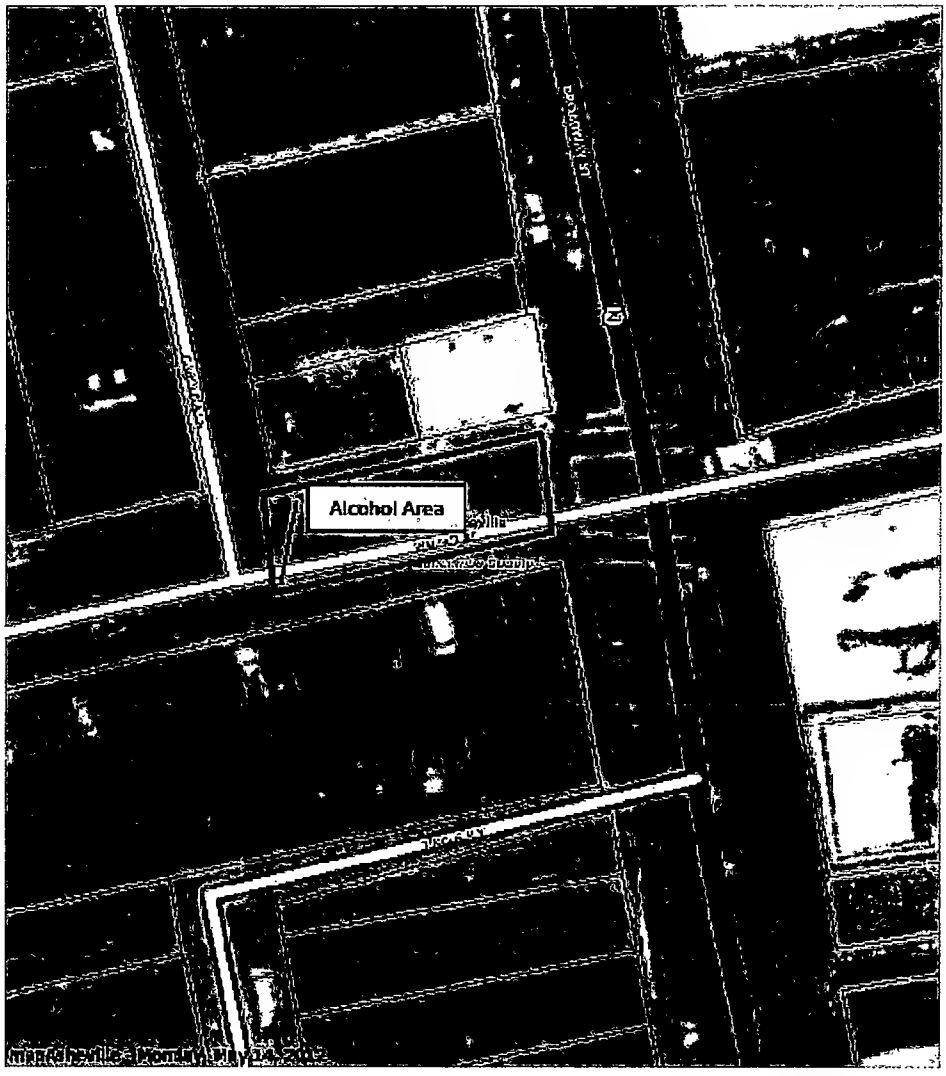
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

173

EXHIBIT A



RESOLUTION NO. 14 - 89

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE CONVEYANCE OF PROPERTY UNDER THE CONTROL OF THE N.C. DEPT. OF TRANSPORTATION THAT WILL BECOME THE RIGHT-OF-WAY FOR PINEY MOUNTAIN ROAD AND AUTHORIZING THE MAYOR TO CONVEY BACK TO THE N.C. DEPT. OF TRANSPORTATION PROPERTY THAT WAS ERRONEOUSLY CONVEYED TO THE CITY OF ASHEVILLE VIA A QUITCLAIM DEED

WHEREAS, pursuant to G.S. 160A-274, the City of Asheville is authorized to accept from and dispose of real property from or to any governmental unit upon such terms and conditions as it deems wise, with or without consideration; and

WHEREAS, pursuant to G.S. 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, the City Council of the City of Asheville approved Resolution # 01-131 on August 28, 2001 accepting Piney Mountain Road as a city-maintained street subject to approval by the North Carolina Department of Transportation; and

WHEREAS, the Board of Transportation for the North Carolina Department of Transportation approved the abandonment of SR 2243 (Piney Mountain Road) as a state-maintained street on February 7, 2002; and

WHEREAS, a deed for property which was not the intended right-of-way area was erroneously granted to the City by the North Carolina Department of Transportation in October 2011 by Deed Book 4973, Page 371 and the Parties now wish to correct this error by the City conveying property back to the North Carolina Department of Transportation and accepting the correct right-of-way property from the North Carolina Department of Transportation;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville approves a resolution authorizing the Mayor to accept the conveyance of property under the control of the N.C. Dept. of Transportation that will become the right-of-way for Piney Mountain Road and authorizing the Mayor to convey back to the N.C. Dept. of Transportation property that was erroneously conveyed to the City of Asheville via a quitclaim deed dated October 13, 2011.

Read, approved and adopted this 13th day of May 2014.

Magdalen Bullock
City Clerk

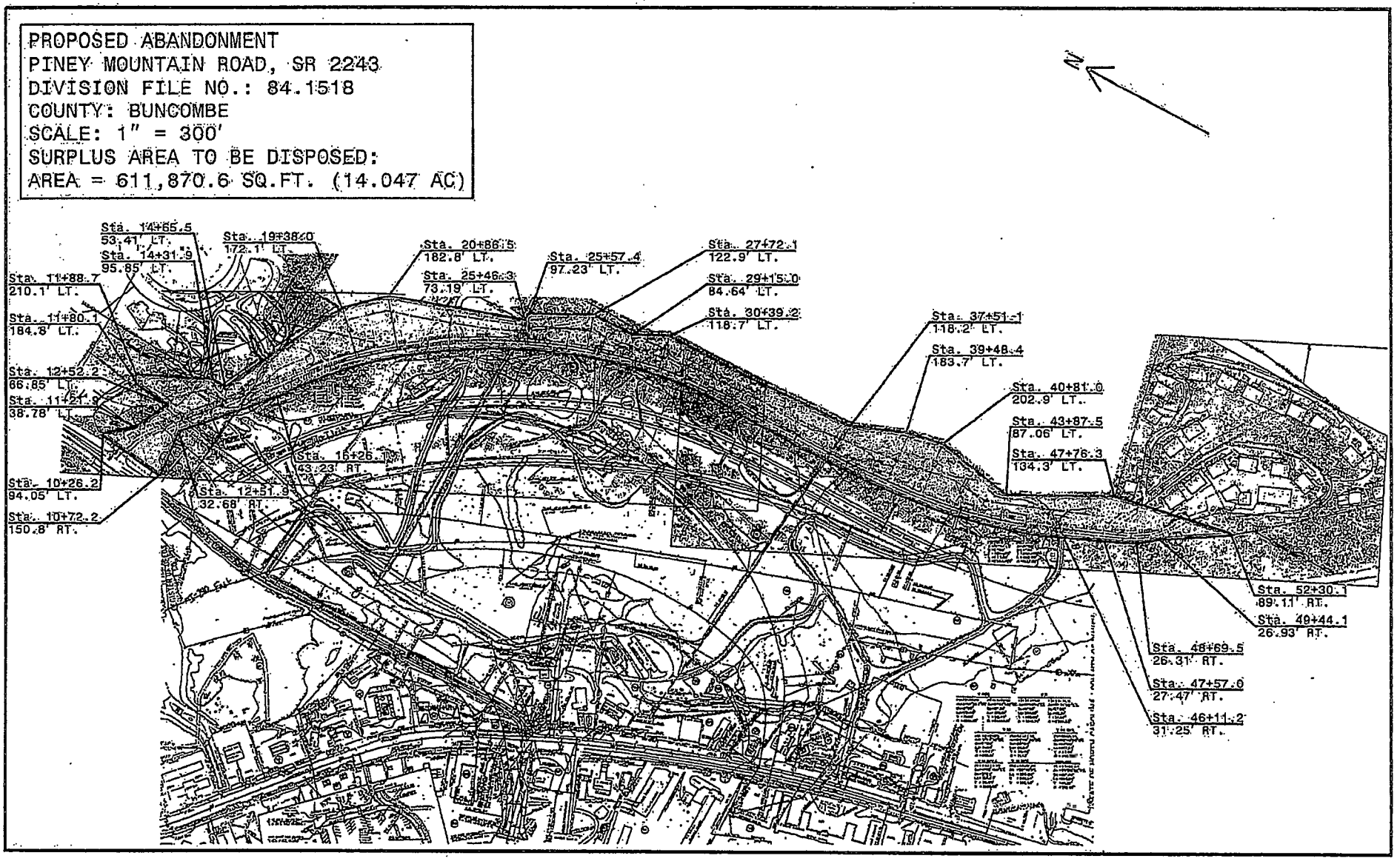
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

PROPOSED ABANDONMENT
PINEY MOUNTAIN ROAD, SR 2243
DIVISION FILE NO.: 84.1518
COUNTY: BUNCOMBE
SCALE: 1" = 300'
SURPLUS AREA TO BE DISPOSED:
AREA = 611,870.6 SQ.FT. (14.047 AC)



ATTACHMENT 2

RESOLUTION NO. 14 - 90

RESOLUTION ACCEPTING AN EXTENSION OF OLD HAW CREEK ROAD AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to GS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, Old Haw Creek Road Extension is located in the corporate limits of the City of Asheville; and

WHEREAS, Old Haw Creek Road Extension was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to Old Haw Creek Road Extension including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the 45-foot right-of-way for Old Haw Creek Road Extension has been recorded in Plat Book 130 Page 95; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

An extension of Old Haw Creek Road is accepted by the City of Asheville for maintenance as indicated on the attached map.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Burleson
City Clerk

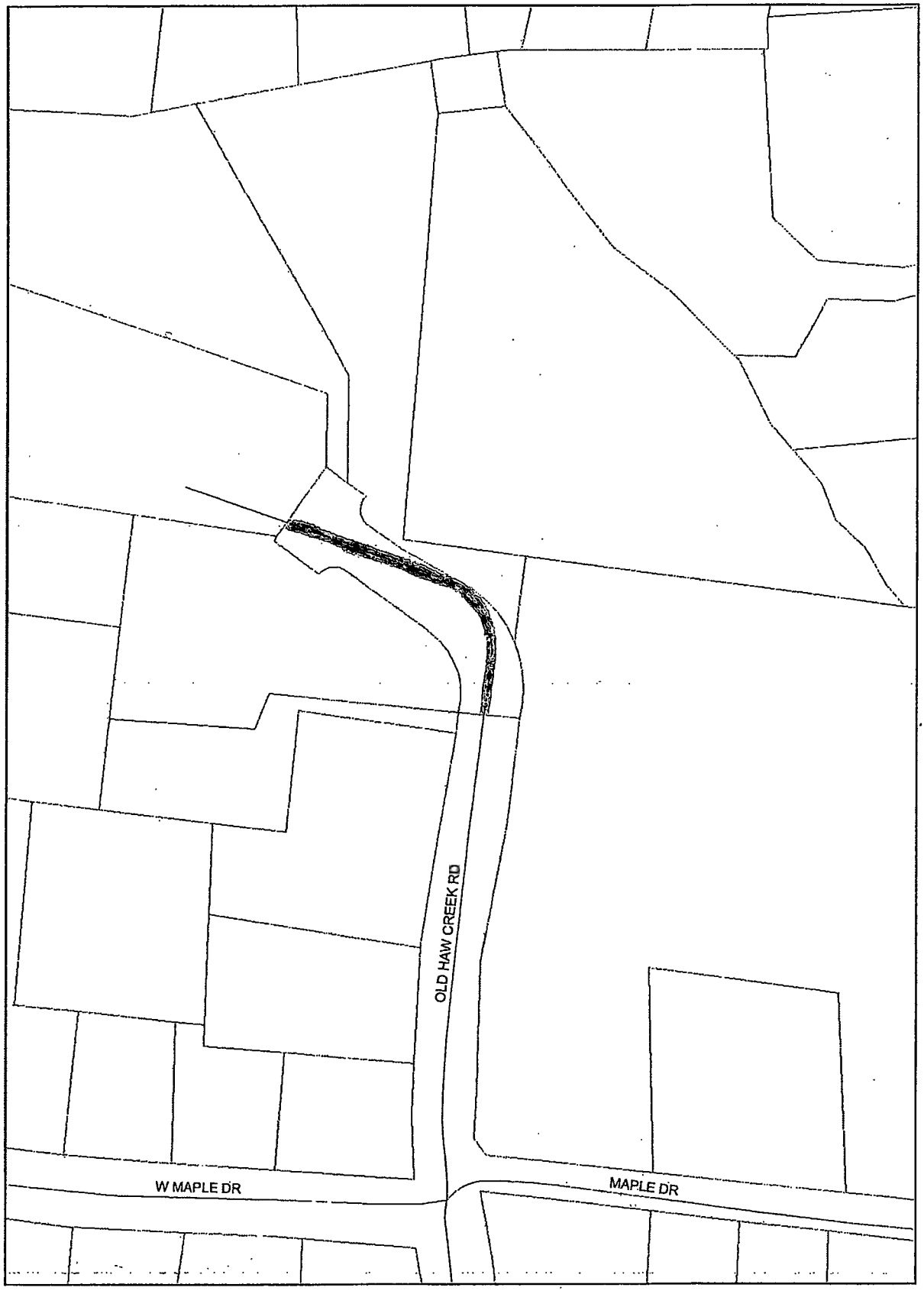
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ATTACHMENT 2



RESOLUTION NO. 14-91

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER A CHANGE ORDER IN CONTRACT WITH ASHEVILLE STAFFING, INC FOR TEMPORARY SERVICES IN THE CITY PARKING GARAGES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, TEMPORARY services are needed in the City parking garages; and

WHEREAS, the amount of the contract is $89,000.00 for one year and the monies have been budgeted in the Transportation Department's Operating Budget for FY 2013-14; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a change order in a contract on behalf of the City of Asheville with Asheville Staffing, Inc, not to exceed $130,000.00 per fiscal year for temporary services in the City parking garages.

Read, approved and adopted this the 13th day of May 2014.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

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RESOLUTION NO. 14-92

RESOLUTION TO ACCEPT FAIR HOUSING OUTREACH GRANT AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, pursuant to N.C.G.S. 160A-17.1, the City is authorized to make contracts for and accept grants and loans from other governments and their agencies; and

WHEREAS, the State of North Carolina will receive and administer Partnering to Develop a Comprehensive Fair Housing Outreach, Recruitment and Investigative Program ("Fair Housing Outreach") grant funds from the US Department of Housing and Urban Development; and

WHEREAS, the State has made $25,000 of these funds available to the City of Asheville; and

WHEREAS, the City of Asheville has agreed to contract with the State, and enter into sub-contracts with the Asheville Buncombe Community Relations Council and Land of Sky Regional Council to provide services using these grant funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville accept the Fair Housing Outreach Grant;

2. The City of Asheville enter into a contract with the State of North Carolina for these funds; and further subcontract with individual agencies to deliver the agreed upon fair housing outreach services;

3. Council authorizes the City Manager to sign all necessary contract documents with the State of North Carolina and sub-agreements with funded agencies, after approval by the City Attorney.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14 - 93

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH NCDOT APPROVING A PROJECT FOR MAKING IMPROVEMENTS ON NC 81 (SWANNANOA RIVER ROAD) AT ITS INTERSECTION WITH GASHES CREEK ROAD (AZALEA ROAD)

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) has prepared and adopted plans to make certain street and highway improvements within the City of Asheville under WBS Element 3613.3.11, Buncombe County, said plans to consist of making improvements on NC 81 (Swannanoa River Road) at its intersection with Gashes Creek Road (Azalea Road); and

WHEREAS, the NCDOT and the City of Asheville propose to enter into an Agreement for the above-captioned project whereby the City agrees to acquire additional right-of-way and/or construction easements if necessary and to be responsible for the maintenance of the sidewalk once the project is completed; and

WHEREAS, the NCDOT agrees to construct the project in accordance with the approved project plans; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville authorizes the City Manager to sign and execute a construction agreement between the North Carolina Department of Transportation and the City of Asheville to make improvements on NC 81 (Swannanoa River Road) at its intersection with Gashes Creek Road (Azalea Road) in Asheville.

Read, approved and adopted this 13th day of May 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

181

RESOLUTION NO. 14-94

RESOLUTION AUTHORIZING THE EXCHANGE OF CITY-OWNED REAL PROPERTY AT BROADWAY STREET FOR A GREENWAY EASEMENT ON REAL PROPERTY OWNED BY THE UNC ASHEVILLE FOUNDATION, INC. LOCATED AT 525 BROADWAY STREET

WHEREAS, NCGS 160A-271, authorizes cities in North Carolina to exchange any real or personal property belonging to the City for other real or personal property by private negotiation if the City receives a full and fair consideration in exchange for its property; and

WHEREAS, NCGS 160A-353, authorizes cities in North Carolina to acquire real property for parks and recreation programs and facilities by gift, grant, purchase, lease, exercise of eminent domain, or any other lawful method; and

WHEREAS, the City of Asheville (hereinafter referred to as "City"), owns real property located along Broadway Street, further described as a 0.58 acres at PINs 9649-05-6562-00000 and 9649-05-4826-00000 on the Buncombe County Tax Map; and

WHEREAS, UNC Asheville Foundation, Inc., owns real property located at 525 Broadway Street at PINs 9649-05-1813-00000 and 9649-05-5513-00000, and desires to grant an improved greenway easement measuring 1.65 +/- acres to the City of Asheville; and

WHEREAS, per the value of the improvements and land area considered, the City and the UNC Asheville Foundation, Inc. wish to make an even exchange of the two described properties; and

WHEREAS, notice was duly published in the Asheville Citizen-Times on April 11th, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute Sec. 160A-271, the Mayor is hereby authorized to execute a deed of conveyance and all related documents in order to convey to the UNC Asheville Foundation, Inc. real property located on Broadway Street, being 0.50 +/- acres identified as of PINs 9649-05-6562-00000 and 9649-05-4826-00000, on the Buncombe County Tax Map, in exchange for a greenway easement on property owned by UNC Asheville Foundation, Inc. further described as a 1.65 +/- acres easement at PINs 9649-05-1813-00000 and 9649-05-5513-00000 on the Buncombe County Tax Map. In addition, the Mayor is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 13th day of May, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

City Owned Property shown in Red

Disclaimer: The City of Asheville acquires, develops, maintains, and uses GIS data in support of its internal business functions and the public services it provides. The GIS data which City of Asheville distributes and to which it provides access may not be suitable for other purposes or uses. All GIS data sets are provided "as is" with no warranty. It is your responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Use of all GIS data and map services provided by the City of Asheville are covered by this disclaimer. This map is intended for Display purposes only.

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Data Source: City of Asheville GIS
Map Scale: 1:3080"
Printed on: Friday, May 02, 2014

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RESOLUTION NO. 14 – 95

RESOLUTION UPDATING THE CITY OF ASHEVILLE STANDARD SPECIFICATIONS AND DETAILS MANUAL

WHEREAS, the City Council of the City of Asheville approved the Standard Specifications and Details Manual on May 20, 1997 with an effective date of May 27, 1997 via Resolution # 97-68; and

WHEREAS, the Standard Specifications and Details Manual has undergone three major revisions since May 27, 1997; and

WHEREAS, the purpose of the manual is to provide design guidelines and technical specifications for construction activities related to streets, sidewalks, water systems, storm drainage, parking lots, and pavement structure; and

WHEREAS, the update is needed in order to facilitate development in accordance with sound engineering and complete street principles;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville approves a resolution updating the Standard Specifications and Details Manual.

Read, approved, and adopted this 13th day of May 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-96

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CHERRY BEKAERT & HOLLAND, FOR AUDITING SERVICES FOR FISCAL YEAR 2013-2014

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S. 159-34; and

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, Cherry Bekaert & Holland has submitted an engagement letter and contract pursuant to *Government Auditing Standards* and the requirements of the Commission to provide audit services to the City Council for fiscal year 2013-2014; and

WHEREAS, the City Council desires that the City's fiscal year 2013-2014 audit service contract be awarded to the firm Cherry Bekaert & Holland; and

WHEREAS, funds are included in the Accounting Division of the Finance Department's budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with Cherry Bekaert & Holland in the amount of $85,000 for auditing services for fiscal year 2013-2014.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

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RESOLUTION NO. 14 - 97

RESOLUTION APPROVING A RIGHT-OF-WAY ACQUISITION POLICY FOR INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville is authorized by NCGS $160A-296 for the maintenance and construction of multi-modal infrastructure within the City limits; and,

WHEREAS, multi-modal infrastructure is important to the health and quality of life of the citizens of the City of Asheville;

WHEREAS, the City of Asheville needs to acquire right-of-ways and/or easements to construct and maintain infrastructure; and,

WHEREAS, it is important to obtain the property for infrastructure purposes in a consistent and fair manner;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council adopts the attached administrative right-of-way policy for the purpose of acquiring right-of-way and/or easements for the purpose of maintaining and constructing infrastructure.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

DRAFT

ADMINISTRATIVE POLICY

SUBJECT: Sidewalks and Related Infrastructure Right of Way Acquisitions Policy and Procedure	Department: PUBLIC WORKS
Policy Number:	Effective Date:
Addendum Number:	
Issued By: Cathy Ball, Executive Director	City Manager Approval Gary W. Jackson, City Manager

Mission: In accordance with the meaning and intent of the N.C.G.S. §160A-296, it is the mission of the City of Asheville to acquire easements adequate for the installation, repair, rehabilitation and replacement of Sidewalks and related infrastructure improvements in the most fair and cost effective manner possible.

Policy: It is the policy of the City of Asheville to resolve right of way acquisition issues and concerns with private property owners in a fair and equitable manner, utilizing to the extent possible, out of court settlements, so as to minimize the need for judicial intervention.

Common Goal: The Asheville City Council on behalf of the citizens and residents of the City of Asheville, acknowledge that providing sidewalks and related infrastructure improvements to an area is a valuable service to the community. The City notes that it is not the City's intent to purchase the property, only the right to construct, operate, maintain or reconstruct infrastructure that benefit the community. In recognition of this common goal and public benefit, it is, as a general matter, contrary to City policy to provide compensation for such easements.

A. PURPOSE:

The purpose of this Policy is to establish procedures for the City of Asheville to acquire easements in connection with the construction, reconstruction, rehabilitation, operation and maintenance over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits except to the extent that authority and control is vested in the North Carolina Board of Transportation. General authority and control includes but is not limited to all of the following:

1. The duty to keep the public streets, sidewalks, alleys, and the bridges in proper repair.

2. The duty to keep the public streets, sidewalk, alleys, and bridges open for travel and free from unnecessary obstructions.

3. The power to open new streets and alleys, and to widen, extend, pave, clean, and otherwise improve existing streets, sidewalks, alleys, and bridges, and to acquire the necessary land therefor by dedication and acceptance, purchase, or eminent domain.

4. The power to close any street or alley either permanently or temporarily.

5. The power to regulate public streets, sidewalk, alleys, and bridges.

6. The power to regulate, license, and prohibit digging in the streets, sidewalks or alleys, or placing therein or thereon and pipes, poles, wires, fixtures, or appliances of any kind either on, above, or below the surface. To the extent a municipality is authorized under applicable law imposes a fee or charge with respect to activities conducted in its rights-of-way, the fee or charge must apply uniformly and on a competitively neutral and nondiscriminatory basis to all comparable activities by similarly situated users of the rights-of-way.

7. The power to provide for lighting the streets, alleys, and bridges of the city.

8. The power to grant easements in the street rights-of-way as permitted by G.S. 160A-273.

B. RESPONSIBILITY

1. *Establishment of Right of Way Committee*: There is hereby created a three (3) member Right of Way Committee, consisting of three City Department Directors appointed by the City Manager. This Committee shall work under the general direction and control of the City Manager.

2. *Duties of Right of Way Committee*: The Right of Way Committee is charged with reviewing proposed acquisitions, making recommendations regarding easement acquisitions whether voluntary or involuntary to the City Manager.

3. *Project Manager*: In all right of way acquisitions, there shall be a project manager who shall initially determine the need for the acquisition of right-of-way in order to meet the purpose above. The project manager shall work under the direction of the Director of Public Works and shall be responsible for acquiring easements in accordance with the procedures set forth herein.

4. *City Council*: Prior to the beginning of each fiscal year, the project manager shall provide the City Manager with a list of projects, highlighting those projects that may require the acquisition of easements. The City Manager shall present to the City Council prior to the adoption of the fiscal year budget a budget for those projects that may require the acquisition of easements. Council may or may not approve the requested budget. With the exception of exigent circumstances, no project for which Council has declined funding for easement acquisition shall be presented to Council for authorization to proceed with condemnation.

C. COMPENSATION

In cases where compensation becomes necessary, the following method may be used to establish a budget for each project and compensation which the Project Manager may negotiate. The current land value (excluding improvement values) established by the Buncombe County Tax Assessor shall be used as a base value for compensations. Permanent Easement areas shall be compensated at fifty percent (50%) of value for the net new square footage. Temporary Construction Easement areas shall be compensated at a ten percent (10%) annual rate of return on the value of the new square footage for the duration of the project. In determining compensation under this policy the Department Director may consider the fact that the property is already encumbered by an existing easement agreement.

D. PROCEDURE FOR EASEMENT ACQUISITION

1. Pre-negotiation process:

   a. The Project Manager shall prepare a schedule for easement acquisition if right-of-way is needed to complete the project.

   b. The Project Manager will provide the City's Attorney with an easement plat. The attorney shall search or cause to be searched the title to each parcel of real property upon which an easement is needed, the extent, duration and scope of which shall be within the purview of the City Attorney's Office. The attorney shall issue a preliminary legal opinion on title and such other legal data that the City Attorney deem to be in the City's best legal interest.

c. Upon receipt of the preliminary title opinion from the City Attorney's Office, the Project Manager shall either commence negotiations for easement acquisition with the assistance of the City's property manager or contract such negotiations to a 3rd party.

d. If the project manager determines that it is in the City's best interest to contract easement negotiations to a 3rd party, the project manager shall follow North Carolina bidding laws and City policy in submitting a proposal(s) for such professional services to the Department Director for approval. The project manager or the 3rd party contractor assigned to the project shall hereinafter be referred to as the "Right of Way Agent, (RWA)."

e. The project manager shall mail notice of upcoming projects to affected neighborhood associations. Notice shall describe the project and if desired by the neighborhood, offer an opportunity to the neighborhood and other interested persons for a public meeting conducted by Departmental staff to present the preliminary project design.

2. Public meeting: Public meeting notices shall comply with applicable City policies.

E. NEGOTIATION

1. Following a public meeting, if requested by the neighborhood, and after receipt of the preliminary title opinion, the RWA will send a "Letter of Interest" to each affected property owner. The Letter of Interest will present the need for an assessment, briefly explain negotiation procedures, state negotiation schedule and request an appointment with the owner to discuss acquisition of the easement.

2. The RWA will make all reasonable efforts to meet with the affected property owner or the property owner's representative to discuss:

   (a) the City's acquisition policy and procedure;

   (b) review the Easement Agreement and easement plan;

   (c) to invite affected property owner(s) input; and

   (d) address specific concerns the Owner may have

   A minimum of three documented, substantial meetings must occur between the RWA and affected property owner. A substantial meeting is defined as personal contact with the affected property owner, or the affected property owner's representative or appointed agent, where all aspects of the project are reviewed, discussed, and understandings reduced to writing. In the case of a non-local owner, where personal contact may not be possible, substantial meetings may also include but not limited to several telephone conversations or attempted telephone contact, or several certified

letters where receipt of service is received back from the post office. The RWA may schedule and hold as many additional meetings as deemed necessary to reach agreement within the confines of the project schedule.

3. Any special provisions for construction or restoration must be noted on a "Special Provisions Detail Sheet." A copy of the Special Provisions Detail Sheet shall be placed in the file and a copy provided to the affected property owner. A Special Provisions Summary Report with individual detail sheets attached will be provided to the Project Manager and/or Department Director for inclusion in the special conditions of the project specifications. The RWA shall have the authority to offer in lieu of cash compensation, reasonable improvements, trees, plants or other reasonable provisions agreed upon with the Owner.

4. If the City and affected property owner reach an agreement for acquisition of an easement, the RWA is hereby authorized to obtain the signature of the affected property owner(s) as reflected in the preliminary title opinion.

5. Upon execution of the easement agreement by the affected property owner(s), the easement agreement will be forwarded to City attorney to update the title, cause the City to officially accept the easement and prepare a final title opinion. The City's attorney shall return the fully executed and accepted easement along with the final title opinion to the project manager to finalize the process needed to compensate the affected property owner(s), including securing as needed, a 1099S for reporting to the IRS.

6. The project manager shall send copies of the recorded easement agreement, the Right of Way Use Policy and the special provisions detail sheet (if negotiated) to the affected property owner(s). All other remaining documentation pertaining to the project shall be completed and inserted into the file for closing. The cover sheet of the closed file shall contain the name of the project, the number of easements obtained by parcel and the compensation paid if any, the deed book and page number of the recorded easements.

F. CONDEMNATION

If, after reasonable efforts by the RWA, negotiations fail and the parties are unable to agree to either the acquisition of an easement or the terms of an easement, the RWA may request authority for condemnation as follows:

1. The right of way agent shall report to the project manager that negotiations have failed unless the project manager is the RWA, in which event, the project manager shall report the Department Director. The Department Director, in considering among other things, the purpose of the project, the benefit of the project to the community, etc., shall then determine whether it is in the City's best interest to proceed with condemnation. If the Department Director recommends

condemnation, then the project manager shall arrange for an appraisal of the property.

2. Upon receipt and review of the appraisal report, the project manager shall make a final offer to the affected property owner(s) in the amount of damages determined by the appraisal. If the offer is accepted, the procedures outlined above shall be followed.

3. If the offer is not accepted, the project manager shall then request authorization to proceed with condemnation from the ROW Committee, the City Manager, the Finance Committee of City Council and City Council.

4. If condemnation is supported by all of the entities as referenced in the preceding paragraph, the project manager shall work with the City's attorney to start the statutory condemnation process as set forth in Article 3 of Chapter 40A of the North Carolina General Statutes.

5. After complying with the statutory procedural condemnation process, the City's attorney upon filing the Complaint, Declaration of Taking and Deposit of just compensation funds with the Buncombe County Clerk of Superior Court shall inform the project manager. Further, no entry shall be made upon the affected condemned parcel until the City's attorney advise the project manager that the City may access the easement area taken.

G. ADVERTISEMENT AND BIDDING OF PROJECT

Once the project manager determines that all required easements including the filing of the Complaint, Declaration of Taking and Deposit of just compensation funds with the Buncombe County Clerk of Superior Court, for the successful completion of the project have been obtained, the project manager shall advise the Department Director that the acquisition process has been completed. The project shall not be advertised for construction until the Project Manager provides written notice to the department director that all required easements have been acquired.

RESOLUTION NO. 14-98

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY 0.764 ACRES OF REAL PROPERTY AND ASSOCIATED EASEMENTS LOCATED AT THE ASHEVILLE REGIONAL AIRPORT TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, North Carolina General Statutes Section 160A-274 provides for a municipality to transfer interest in real property to any other unit of government; and

WHEREAS, the City of Asheville holds title to real property located at 61 Terminal Drive in Fletcher, known as the Asheville Regional Airport; and

WHEREAS, NCDOT has requested to purchase property for the purposes of right-of-way needed for NCDOT Project# I-5501 Interstate 26 / NC 280 Interchange, as follows: 0.764 acres of permanent right-of-way, 2.023 acres of temporary construction easement, 0.233 acres of permanent utility and drainage easement, 0.045 acres of dual use easement; and

WHEREAS, NCDOT has offered to purchase this portion of real property for $1,165,000 and this price has been substantiated by an independent MAI appraisal; and

WHEREAS, this conveyance is subject to Federal Aviation Administration (FAA) regulations, including restrictions on use and disposition of proceeds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-274, the City Manager is hereby directed to convey the aforementioned real property at 61 Terminal Drive, Fletcher, to the North Carolina Department of Transportation. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and subject to compliance with applicable federal and North Carolina law and regulations.

Read and approved and adopted this 13th day of May 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14-99

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING 0.483 ACRES OF REAL PROPERTY ACROSS FROM THE ASHEVILLE REGIONAL AIRPORT AT AIRPORT PARK ROAD

WHEREAS, the City of Asheville holds title to real property located at 61 Terminal Drive in Fletcher, known as the Asheville Regional Airport; and

WHEREAS, North Carolina Department of Transportation's Project# I-5501 Interstate 26 / NC 280 Interchange has left a remnant parcel of real property at the corner of New Airport Road and Airport Park Road measuring 0.483 acres; and

WHEREAS, the property is no longer needed by the Asheville Regional Airport; and

WHEREAS, the City of Asheville has received an offer to purchase said property from Youngblood Oil Company, Inc. in the amount of $420,000, which is fair market value, based on a MAI appraisal; and

WHEREAS, North Carolina General Statutes Section 160A-269 provides for the sale of real property by negotiated offer, advertisement, and upset bids; and

WHEREAS, this conveyance is subject to Federal Aviation Administration (FAA) regulations, including restrictions on use and disposition of proceeds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 0.483 acres parcel of real property at the corner of Airport Road and Airport Park Road to Youngblood Oil Company, Inc. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder of the purchase price of $420,000. If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey aforementioned property to the Youngblood Oil Company, Inc. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and subject to compliance with applicable federal and North Carolina law and regulations.

Read and approved and adopted this 13th day of May 2014.

Magdalen Bullesson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullesson
City Clerk

RESOLUTION NO. 14-100

RESOLUTION DIRECTING STAFF TO PREPARE A REPORT FOR THE CREATION OF A MUNICIPAL SERVICE DISTRICT FOR THE SOUTH SLOPE AND CANCELLING THE PUBLIC HEARING ORIGINALLY SET FOR MAY 27, 2014

WHEREAS, the South Slope is recognized as an up and coming economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the South Slope is critical to all citizens; and

WHEREAS, City Council adopted the Downtown Master Plan in May 2009, which recognized the South Slope as distinct place, and recommended cultivating that distinct place as a major southern gateway to downtown; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536; and

WHEREAS, on April 22, 2014, City Council adopted Resolution No. 14-76 which approved the public hearing date of May 27, 2014; however, this hearing date has been cancelled and will be rescheduled at a later time;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 2. Notice of any scheduled public hearing shall be given as required by law.

Read, approved, and adopted this 13th day of May, 2014.

Magdalena Burleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalena Burleson
City Clerk

RESOLUTION NO. 14-101

RESOLUTION DIRECTING STAFF TO PREPARE A REPORT FOR THE CREATION OF A MUNICIPAL SERVICE DISTRICT FOR THE RIVER ARTS DISTRICT AND CANCELLING THE PUBLIC HEARING ORIGINALLY SET FOR MAY 27, 2014

WHEREAS, the River Arts District is recognized as an economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the River Arts District is critical to all citizens; and

WHEREAS, City Council adopted the Wilma Dykeman RiverWay Master Plan in June 2004, which recommends significant infrastructure improvements be made to support urban revitalization; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536; and

WHEREAS, on April 22, 2014, City Council adopted Resolution No. 14-77 which approved the public hearing date of May 27, 2014; however, this hearing date has been cancelled and will be rescheduled at a later time;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 2. Notice of any scheduled public hearing shall be given as required by law.

Read, approved, and adopted this 13th day of May, 2014.

Magdalen Bullson
CITY CLERK

Edward E. Mann
MAYOR

Approved As To Form:

Brian Cleary
CITY ATTORNEY

Magdalen Bullson
City Clerk

RESOLUTION NO. 14-102

RESOLUTION DIRECTING STAFF TO PREPARE A REPORT FOR THE CREATION OF A MUNICIPAL SERVICE DISTRICT FOR NORTH CHARLOTTE STREET AND CANCELLING THE PUBLIC HEARING ORIGINALLY SET FOR MAY 27, 2014

WHEREAS, the north Charlotte Street corridor is recognized as an economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the north Charlotte Street corridor is critical to all citizens; and

WHEREAS, City Council desires to improve bicycle and pedestrian facilities in the corridor without impairing vehicular access; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536; and

WHEREAS, on April 22, 2014, City Council adopted Resolution No. 14-78 which approved the public hearing date of May 27, 2014; however, this hearing date has been cancelled and will be rescheduled at a later time;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 2. Notice of any scheduled public hearing shall be given as required by law.

Read, approved, and adopted this 13th day of May, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-103

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY REAL PROPERTY AT 125 JACOB HOLM WAY TO BUNCOMBE COUNTY

WHEREAS, North Carolina General Statutes Section 160A-274 provides for a municipality to sell, lease or exchange interest in real property to any other unit of government upon such terms and conditions as it deems wise; and

WHEREAS, the City of Asheville owns certain property at 125 Jacob Holm Way, being a 2.43 acres at PIN 9617-72-4466-00000; and

WHEREAS, Buncombe County has requested to purchase the property for $195,000 and this offer is based on current fair market appraisal; and

WHEREAS, the City has no anticipated need for the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-274 the City Manager is hereby directed to convey 2.43 acres of real property at 125 Jacob Holm Way, PIN 9617-72-4466-00000 to Buncombe County. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 13th day of May 2014.

Magdalen Bullerson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullerson
City Clerk

201

RESOLUTION NO. 14-104

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FISCAL YEAR 2014 JOB ACCESS AND REVERSE COMMUTE GRANT OF THE FEDERAL TRANSIT ADMINISTRATION SECTION 5307 TO FUND PART OF THE COST OF PROVIDING SUNDAY SERVICE

WHEREAS, Section 5307 authorizes Federal funding for transit operations under the Job Access and Reverse Commute program; and

WHEREAS, if awarded, the City will receive $160,500 to help with cost of operating the transit system on Sundays; and

WHEREAS, The City will contribute with 50% or $160,500; and

WHEREAS, City staff has been successful leveraging funds with different entities and Sunday service is contemplated in the FY15 City's proposed budget; and

WHEREAS, Sunday service will provide an invaluable service to the community; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to apply for the Job Access and Reverse Commute grant, program of the Federal Transit Administration Section 5307 in the amount of $160,500, which is 50% of the total project of $321,000.

Read, approved and adopted this the 13th of May 2014.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 14-105

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH ROGERS GROUP, INC. FOR THE PROJECT KNOWN AS ASPHALT PAVING IMPROVEMENTS – FISCAL YEAR 2014, CITY OF ASHEVILLE PROJECT # ENG-13-14-006

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Asphalt Paving Improvements – Fiscal Year 2014, City of Asheville Project # ENG-13-14-006; and

WHEREAS, Rogers Group, Inc. of Nashville, TN was the lowest responsible bidder for the project, in the amount of $1,121,330.25, and

WHEREAS, the project involves the Installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, ADA Ramps and Full Depth Pavement Repair; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $1,121,330.25 plus a contingency of 43% ($478,669.75) with Rogers Group, Inc. for the project known as Asphalt Paving Improvements – Fiscal Year 2014, City of Asheville Project # ENG-13-14-006.

Read, approved and adopted this the 13th day of May, 2014.

Magdalen Bullson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullson
City Clerk

RESOLUTION NO. 14-106

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ARMEN CONSTRUCTION, LLC AND ANY CHANGE ORDER WITHIN THE BUDGETED AMOUNT FOR THE PROJECT KNOWN AS NORTH LOUISIANA AVE. SIDEWALK IMPROVEMENTS - PHASE 4, CITY OF ASHEVILLE PROJECT #E1014

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as N. Louisiana Ave. Sidewalk Improvements – Phase 4; and

WHEREAS, Armen Construction, LLC, Charlotte, NC was the lowest responsible bidder for the project; and

WHEREAS, Armen Construction, LLC shall provide all labor, material, equipment, etc. for the installation of curb and gutter, sidewalks, drive aprons, ADA ramps, retaining wall, etc as described in the service contract; and

WHEREAS, the amount of the Agreement is $126,820.00 and the monies have been budgeted in the Public Works Department's 2013-2014 Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Armen Construction, LLC, for $126,820.00 for the project known as N. Louisiana Sidewalk Improvements – Phase 4, City of Asheville Project #E1014, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 13th day of May, 2014.

Magdalen Burleson
City Clerk

E. Ann E. Mey
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14 - 107

RESOLUTION TO ADOPT CITY COUNCIL'S 2014-2015 STRATEGIC PLAN

WHEREAS, the Asheville City Council recognizes the importance of strategic leadership in achieving the mission of the City of Asheville; and

WHEREAS, achieving our mission of creating a sustainable, quality of life community requires vision, goal setting, and strategic priorities; and

WHEREAS, the City Council met February 7th and 8th, 2014 in a strategic planning retreat; and

WHEREAS, the City Manager will produce a comprehensive quarterly report and Committee Chairs will produce updates on policy initiatives designed to further achievement of strategic goals for Economic Growth and Sustainability, Affordability and Economic Mobility, and High Quality of Life;

WHEREAS, the City Council received input from each member, discussed the alternatives and established strategic priorit es;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Affirms its strategic priorities to ensure that Asheville is a City that is:

- Economic Growth and Sustainab lity – Seek to ensure a sustainable financial future for Asheville by promoting an environment where citizens and businesses want to live, work and invest.
- Affordability and Economic Mobility – Seek to ensure a sustainable future for Asheville through a standard of living that is affordable and attainable for people of all incomes, life stages and abilities.
- High Quality of Life – Seek to ensure a sustainable future for Asheville by promoting a safe environment where basic needs are met and all people can enjoy a high quality of life.

BE IT FURTHER RESOLVED THAT:

The City Council adopts the goals and objectives as described in Exhibit "A" for 2014-2015

Read, approved and adopted this 13th day of May, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

205

Focus Area 1: Economic Growth and Sustainability

Goal 1: Implement the Economic Development Capital Improvement Plan

Action Item: Adoption of Municipal Service Districts, including the South Slope, the River Arts District and Charlotte Street Corridor

Action Item: Creation of a separate debt service fund

Action Item: Change in the City's current practice of financing capital projects to the one that utilizes a mix of interim financing and permanent financing.

Action Item: Addition of Special Obligation Bonds to the menu of available permanent financing options.

Action Item: Utilize additional funds to leverage money from other partners including NCDOT, Buncombe County, the TDA, as well as other public and private partners.

Goal 2: Invest and leverage investment in community infrastructure.

Action Item: Research, develop and propose incentives for in-fill and redevelopment. Evaluate City owned property to determine best use.

Action Item: Evaluate the ability to improve and extend ART services.

Action Item: Incorporate Complete Streets Policy in planning for transportation infrastructure, including bike lanes, greenways, and pedestrian access.

Action Item: Support I-26 Connector improvements.

Action Item: Promote innovative forms of development including Form Based Code, mixed use development, and right sizing.

Action Item: Research access to better broad-band internet connectivity

Goal 3: Create economic development and community investment opportunities through partnerships, planning and incentives.

Action Item: Launch process to update the Comprehensive Plan 2025

Action Item: Develop timetable to extend Form Based Code Planning.

Action Item: Leverage regional service provider partnerships to assist small businesses in gaining access to effective business plan development.

Goal 4: Support staff's continued implementation of operational efficiencies and practices of sustainability

Action Item: Utilizing a Development Task Force, evaluate the City's development process, including education and communication

Action Item: Continued sustainability efforts including carbon footprint reduction and clean energy economy

Focus Area 2: Affordability and Economic Mobility

Goal 1: Expand Asheville's supply of quality, affordable homes for current and future residents.

Action Item: Develop an action plan with the Housing Authority for the redevelopment of a public housing community to include affordable, mixed income housing.

Action Item: Revisit our land use regulations to identify zoning and regulatory changes that promote affordable housing located close to the CBD, jobs and transportation.

Action Item: Work with developers to increase production of affordable housing units by providing financial assistance and other development incentives.

Action Item: Evaluate and implement Affordable Housing Advisory Committee recommendations. Develop and action plan for the Affordable Housing Scorecard.

Action Item: Continue City-County Homeless Initiative Advisory Committee's evaluation of next steps and recommendations for moving forward.

Goal 2: Improve citizen equity by reducing disparity gaps with an emphasis on education and socio-economic mobility.

Action Item: Partner with Asheville City Schools to track progress toward the City School Strategic Plan; receive regular updates from the school system through City Council appointed liaison.

Action Item: Identify appropriate partnership opportunities to improve access to affordable housing, transportation, and living wage jobs.

Action Item: Clarify the most effective role the City can play in assisting City Schools in reducing the achievement gap.

Action Item: Facilitate Council policy discussion regarding making the living wage a requirement for city Economic Development incentives.

Focus Area 3: High Quality of Life

Goal 1: Make Asheville one of the safest cities in America based on approved metrics for similarly sized cities

Action Item: Develop strategies to address nuisance behaviors including pan-handling, toplessness, graffiti, litter and public drunkenness

Action Item: Address speeding in neighborhoods through traffic calming measures.

Action Item: Finalize and implement the Police Departments Strategic Plan

Action Item: Support and expand community based policing efforts to improve relationships between the police and the community.

Goal 2: Encourage policies and development that improves public health and safety for City of Asheville employees and citizens.

Action Item: Pursue implementation of the Food Action Plan, including public/private partnerships to create community gardens and farmers markets on publically owned land, to ensure all citizens have access to affordable healthy food options.

Action Item: Continue emphasis on disease management and wellness for City of Asheville employees.

Action Item: Prioritize transportation system that supports multi-modal system, including walking, biking, greenways and transit.

Goal 3: Continue to support Asheville as a culturally diverse city

Action Item: Create public/private partnerships to bring festivals to Asheville that promote a sense of community

Action Item: Continued support of entertainment, art and cultural centers.

Goal 4: Develop a Council Legislative Agenda

Action Item: Set Council positions prior to each session of the North Carolina General Assembly.

Action Item: Create Council overall guiding principles for legislation giving direction to staff and legislative liaisons.

Goal 5: Continue to develop City Council communications and partnerships with citizens, community leaders, the media and elected officials.

Action Item: Identify advocates working in communities and begin dialogue to improve effective engagement. Evaluate and implement best practices through City outreach initiatives already in progress; East of the Riverway, Haywood Road Vision Process, and RADTIP.

Action Item: Improve diversity and engagement of City Council's Boards and Commissions.

Action Item: Conduct a citizen satisfaction survey.

Action Item: Engage and develop working relationships with state and local legislators on issues regarding the City's legislative priorities.

Action Item: Create opportunities to communicate City efforts and achievements through traditional media, social media and community meetings.

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RESOLUTION NO. 14-108

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE DOWNTOWN COMMISSION

WHEREAS, Matthew Sprouse has resigned as a member on the Asheville Downtown Commission, thus leaving an unexpired term until December 31, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Pamela Winkler, 21 Battery Park Avenue, Asheville, N.C., be and she is hereby appointed as a member of the Asheville Downtown Commission, to serve the unexpired term of Mr. Sprouse, term to expire December 31, 2015, or until her successor has been appointed.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14- 109

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO COMMUNITY EVENT PARTNERSHIP AGREEMENTS WITH THE ASHEVILLE DOWNTOWN ASSOCIATION, YMI CULTURAL CENTER, AND COMMUNITY BETTERMENT FOUNDATION (OR FUTURE 501C NON-PROFIT DESIGNEE) TO CONTINUE PROVIDING IN-KIND SERVICES FOR FREE OUTDOOR COMMUNITY EVENTS & CULTURAL PROGRAMMING

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City has the authority to contract with and appropriate money to any person, association, or corporation, in order to carry out any authorized public purpose; and

WHEREAS, the City of Asheville has identified a significant value in festival and special event partnerships that will further economic and community development initiatives; and

WHEREAS, the city has historically offered support to events that meet certain criteria; and

WHEREAS, the special events and festivals produced by the Asheville Downtown Association, YMI Cultural Center and Community Betterment Foundation via Folk Heritage Committee have been designated as the City of Asheville's anchor events through a comparative evaluation of benefits including economic development, outside spending, whether the event is designed for raising funds for local charities, or whether the event increases cultural understanding for the community; and

WHEREAS, the Asheville City Council Strategic Operating Plan has identified the importance of structuring Special Events as an economic development tool through leveraging investments, promoting an environment for investment and supporting efforts around Arts/Creative Economy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to execute community event partnership agreements with the Asheville Downtown Association at a maximum in-kind support value of $82,000 per year, the YMI Cultural Center at a maximum in-kind support value of $30,000 per year, and with the Community Betterment Foundation (or future 501c non-profit designee) at a maximum in-kind support value of $13,000 per year.

2. Under the terms of the community event partnership agreement, the Office of Economic Development and each non-profit organization will develop and specify annual performance objectives within the agreement for the first year and repeatedly for the continuation of the partnership for subsequent years 2015 and 2016.

Read, approved and adopted this 27th day of May, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

211

RESOLUTION NO. 14 - 110

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED ADOPT-A-PARK AGREEMENT WITH JUST FOLKS THAT INCLUDES A WAIVER OF FEES FOR FISCAL YEAR 2014-2015.

WHEREAS, the City of Asheville has entered into an Adopt-a-Park Agreement with Just Folks to promote positive activities that reduce nuisance behaviors in and around the Triangle Park area; and

WHEREAS, the programs and events organized by Just Folks focus on community-building and have improved the appearance of the park, making it more attractive to downtown visitors and community members; and

WHEREAS, Just Folks is providing quality cultural programming and diversity in a city park not generally used for this purpose;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign the amended Adopt-a-Park agreement with Just Folks to waive park use fees of up to $2,500 for FY 2014-2015 for the use of Triangle Park for community-building events that benefit the Eagle/Market Streets area and the community.

Read, approved and adopted the 27th day of May, 2014.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 14-111

RESOLUTION AUTHORIZING AN AMENDMENT TO MASTER SERVICE CONTRACT 91400113 WITH FORSYTH INITIATIVE FOR RESIDENTIAL SELF HELP TREATMENT INC.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with private entities; and

WHEREAS, the City of Asheville has a need for temporary laborers based on certain short term needs of various City departments included but not limited to leaf pick-up, civic center events; and

WHEREAS, the City entered into master service contract, number 91400113, with Forsyth Initiative for Residential Self Help Treatment Inc., authorized by Resolution Number 13-386, dated the 27th of August 2013 in the amount of $155,000; and

WHEREAS, an increase to the master service contract number 91400113 of $60,000 to complete FY14 commitments has been identified in FY14 budgets to cover the increase, without any adverse effects to existing programs;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend master service contract number 91400113, from $155,000 to $215,000 for FY14

Read, approved and adopted this 27th day of May, 2014.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

213

RESOLUTION NO. 14 -112

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A TRAFFIC AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION APPROVING A PROJECT FOR THE FABRICATION AND INSTALLATION OF A DIRECTIONAL SIGN FOR THE RIVER ARTS DISTRICT ALONG I-240 EASTBOUND

WHERAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes, (§160A-17.1), to enter into contracts for services with other governmental bodies; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) has prepared a design for the fabrication and installation of a directional sign bearing the message "River Arts District" under WBS Element 36249.3358, Buncombe County, that will be installed along I-240 eastbound in advance of the Amboy Road exit in West Asheville; and

WHEREAS, the NCDOT and the City of Asheville propose to enter into a Traffic Agreement for the above-captioned project whereby the City agrees to provide the funds for the fabrication and installation of the sign; and

WHEREAS, the City of Asheville agrees to provide funds for the re-fabrication and installation of any replacement signs that might be needed in the future; and

WHEREAS, the NCDOT agrees to construct the project in accordance with the approved project plans;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville approves a resolution authorizing the City Manager to sign and execute a traffic agreement with the N.C. Dept. of Transportation approving a project for the fabrication and installation of a directional sign for the River Arts District along I-240 eastbound in advance of the Amboy Road exit in West Asheville.

Read, approved and adopted this 27th day of May 2014.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 14-113

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO INCREASE THE CONSTRUCTION CONTRACT WITH COOPER CONSTRUCTION COMPANY, INC., FOR THE HENDERSONVILLE ROAD WATER LINE CONSOLIDATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Hendersonville Road Water Line Consolidation Project; and

WHEREAS, Cooper Construction Company, Inc., of Hendersonville, NC was the lowest responsible responsive bidder for the Project and awarded the bid in the amount of $441,266.00; and

WHEREAS, the project involves abandonment of a problematic 6-inch cast iron water line located on the east side of Hendersonville Road, the transfer of water services attached to the 6-inch water line to the 24-inch ductile iron water line located on the west side of Hendersonville Road, and other work and materials required in order to complete the project; and

WHEREAS, a change order in the amount of $88,771.54 is required to complete and close out the project for a total contract amount of $530,037.54.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a change order in the amount of $88,771.54 to increase the construction contract for Cooper Construction Company, Inc., from $441,266.00 to $530,037.54 for the construction of the Hendersonville Road Water Line Consolidation Project and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved, and adopted this 27th day of May, 2014.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

215

RESOLUTION NO. 14 -114

RESOLUTION SUPPORTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN DESIGNING AND CONSTRUCTING A PROJECT TO MAKE STORM DRAINAGE IMPROVEMENTS ALONG THE NORTH SIDE OF US 70 (TUNNEL ROAD) BETWEEN KENILWORTH ROAD AND BUCKSTONE PLACE

WHEREAS, the North Carolina Department of Transportation (NCDOT) has prepared plans for a project to make storm drainage improvements along the north side of US 70 (Tunnel Road) between Kenilworth Road and Buckstone Place; and

WHEREAS, the NCDOT will fully fund and construct the project using Small Construction Funds; and

WHEREAS, the NCDOT agrees to construct the project in accordance with the approved project plans; and

WHEREAS, the City of Asheville fully supports the project because it provides much needed storm drainage improvements;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville approves this resolution supporting the North Carolina Department of Transportation in designing and constructing a project to make storm drainage improvements along the north side of US 70 (Tunnel Road) between Kenilworth Road and Buckstone Place.

Read, approved and adopted this 27th day of May 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-115

RESOLUTION TO PERMANENTLY CLOSE AN UNNAMED ALLEY OFF OF SOUTH ANN STREET

WHEREAS, the City of Asheville has the authority pursuant to G. S. 160A-299 to permanently close street or alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unnamed alley off of South Ann Street; and

WHERAS, City Council on the 25th of March, 2014 adopted a resolution of intent to permanently close an unnamed alley off of South Ann Street, and ordered a public hearing on the question of the closing for the 22nd day of April, 2014 at its regular meeting on the 2nd floor of the City Hall Building, Asheville, North Carolina and was continued to the 27th day of May 2014; and

WHEREAS, aforesaid resolution of intent to close and order for public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit present to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along an unnamed alley off of South Ann Street; and

WHEREAS, at said public hearing no objections were made that the proposed closing of an unnamed alley off of South Ann Street would deprive any individual owning property in the vicinity in which said closure is located of reasonable mean of ingress and regress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to the North Carolina General Statutes Section 160A-299, an unnamed alley off of South Ann Street as herein described is permanently closed to the public:

Commencing at the Northeast corner of Tract One as described in Deed Book 5163 at Page 681 and recorded in the Buncombe County Register of Deeds Office, said point being at the intersection of Patton Avenue and South Ann Street, thence S 14° 00' 00" E, 115.00' to the Northwest corner of the existing Alley and the Point of Beginning of the Alley description. From said Beginning Point, along the northern line of said Alley and the Southern boundary lines of Tract One and Tract Two as Described in Deed Book 5163, at page 631, N 75° 14' 11' E, 101.11' to the western side of a parcel of land described in Deed Book 5155, at Page 585, Parcel 2, and recorded in said Register of Deeds and being the Northeast corner of said Alley, thence with the western boundary line of said deed and the Eastern boundary of said Alley, S 12° 49' 24" E, 12.01', thence along the northern side of the parcel described as Parcel 3 in Deed Book 5155, at Page 585 and the Southern line of said Alley, S 75° 14' 11' W, 100.86' to the Northwest corner of said Parcel 3, being at the Eastern line of South Ann Street, thence along the said line of said street, N 14° 00' 00" W, 12.00', the Point of Beginning. Said Alley containing 1,212.32 Sq. Ft. or 0.03 Acres and being a porting of the alley shown in Plat Book 8 at Page 34

and Plat Book 8 at Page 61, and recorded in Buncombe County Registry of Deeds, as prepared by Blue Ridge Land Surveying Inc., dated April 15, 2014, attached hereto as Exhibit A.

Read, approved and adopted this 27th day of May, 2014.

Magdalen Burleson
City Clerk

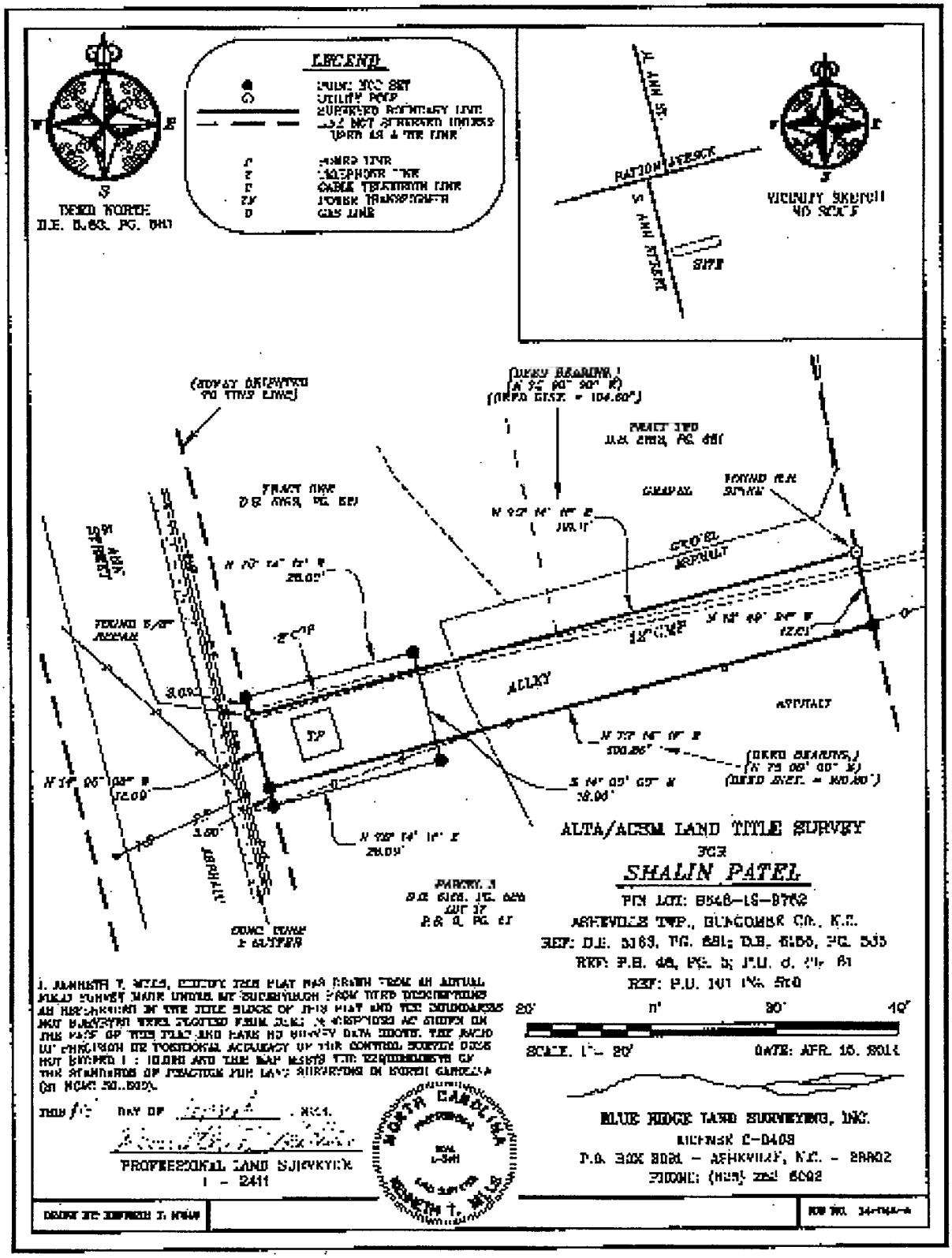
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A


LEGEND
SET 3/8" REBAR
UTILITY POLE
SURVEYED BOUNDARY LINE
NOT SURVEYED UNLESS NORTH OF A TIE LINE
OVERHEAD UTILITY LINE
TELEPHONE LINE
CABLE TELEVISION LINE
POWER TRANSFORMER
GAS LINE
DEED NORTH
D.B. 5163, PG. 681
VICINITY SKETCH
NO SCALE
PATTON AVENUE
I-240
SITE
(SURVEY ORIENTED TO THIS LINE)
(DEED BEARING)
(DEED DIST. = 104.60')
FRONT LINE
D.B. 5163, PG. 681
FOUND R/W MARKER
CRACKED ASPHALT
FOUND R/W MARKER
ALLEY
ASPHALT
(DEED BEARING)
(DEED DIST. = 100.00')
SET 1/2" REBAR
SET 1/2" REBAR
SOUTH CAROLINA
PARCEL 3
D.B. 5163, PG. 679
LOT 37
P.B. 8, PG. 61
ALTA/ACSM LAND TITLE SURVEY
FOR
SHALIN PATEL
PIN LOT: 9648-18-9762
ASHEVILLE TWP., BUNCOMBE CO., N.C.
REF: D.B. 5163, PG. 681; D.B. 5155, PG. 535
REF: P.B. 68, PG. 5; P.U. 0. 21, 81
REF: P.U. 101 IN. 5t0
SCALE: 1" = 20'
DATE: APR. 15, 2014
BLUE RIDGE LAND SURVEYING, INC.
LICENSE C-0408
P.O. BOX 8081 - ASHEVILLE, N.C. - 28802
PHONE: (828) 255 6092
PROFESSIONAL LAND SURVEYOR
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SEAL L-2411
NORTH CAROLINA
PROFESSIONAL LAND SURVEYOR
KENNETH T. WYLIE

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RESOLUTION NO. 14- 116

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH PATTON CONSTRUCTION GROUP, INC., FOR THE SUMMER 2013 WATER SYSTEM IMPROVEMENTS PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Summer 2013 Water System Improvements Project; and

WHEREAS, Patton Construction Group, Inc., of Asheville, NC was the lowest responsible bidder for the Project, in the amount of $870,358.00, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves construction and installation of approximately 6,280 Linear Feet of 8-inch and 6-inch Ductile Iron Pipe and other work and materials required in order to complete the project; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.

2. The City Manager is hereby authorized to execute a construction agreement with Patton Construction Group, Inc., for the bid amount of $870,358.00 plus a contingency amount of $130,556.00 for a total project budget of $1,000,914.00 for the Summer 2013 Water System Improvements Project and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 10th day of June 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

Exhibit A

Bid Tabulation for the Summer 2013 Water System Improvements Project

Buckeye Construction Company, Inc.
654 Buckeye Cove Rd
Canton, NC 28716
Total Bid: $ 1,035,716.00

Cooper Construction Company, Inc.
761 S Allen Rd
Flat Rock, NC 28731
Total Bid: $ 879,962.50

Patton Construction Group
PO Box 15054
Asheville, NC 28813
Total Bid: $ 870,358.00

T&K Utilities, Inc
204 Charlotte Hwy
Asheville, NC 28803
Total Bid: $ 942,720.00 As Submitted*
Total Bid: $ 917,720.00 As Corrected
*During Staff Review of this submitted bid, a mathematical error was discovered and corrected.

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RESOLUTION NO. 14-117

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS UNDER THE NORTH CAROLINA OFFICE OF JUSTICE PROGRAMS OF THE US DEPARTMENT OF JUSTICE

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants: and

WHEREAS, the US Department of Justice (DOJ), has awarded the City of Asheville the amount of $56,677 through the Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) programs for the purchase of in-car video systems and equitable distribution of funds to Buncombe County Sheriff's Office;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the US Department of Justice, for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $56,677. APD will spend $42,143 for the purchase of In-car video systems, while BCSO will be awarded $14,534.

Read, approved, and adopted this 10th day of June, 2014

Magdalen Burleson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14- 118

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL UTILITY AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE RELOCATION AND ADJUSTMENT OF MUNICIPALLY OWNED WATERLINES WITHIN THE I-26 / NC 280 (AIRPORT ROAD) INTERCHANGE PROJECT AREA

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the NCDOT is constructing highway improvements at the I-26 / NC 280 (Airport Road) interchange as part of NCDOT Project No. I-5501, which constitutes the need for adjustment or relocation of City of Asheville municipal waterlines within the NCDOT right-of-way; and

WHEREAS, the NCDOT originally estimated the project cost to be $164,000.00 and has now increased that to $196,900; and

WHEREAS, by execution of the Supplemental Utility Agreement with NCDOT to include the adjustment or relocation of City of Asheville municipal waterlines in NCDOT's construction contract, it provides the best possible means to cause the required adjustment or relocation of said waterlines;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Supplemental Utility Agreement with NCDOT for the relocation and adjustment of municipally owned waterlines within the I-26 / NC 280 (Airport Road) interchange project area; the adjusted estimate for the relocation and adjustment of the waterlines is $196,900.00.

Read, approved and adopted this 10th day of June, 2014.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 14-119

RESOLUTION AUTHORIZING APPROVAL OF THE 2015 STRATEGIC PARTNERSHIP FUND GRANTS

WHEREAS, NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the award of Strategic Partnership Fund Grants, as recommended by the Housing and Community Development Committee as follows:

Applicant	Rec. Funding
Appalachian Sustainable Agriculture Project (ASAP)	5,000
Asheville Area Arts Council	10,000
Asheville Art Museum	-
Asheville Design Center	4,000
Asheville Downtown Association	-
Asheville Greenworks	10,000
CAPS	5,000
Children First	20,000
Green Opportunities	10,000
Homeward Bound	25,000
One Youth At A Time	4,400
Partners Unlimited	2,500
United Way	2,500
TOTAL	98,400

2. Council authorizes the City Manager to sign all contracts and grant agreements, after approval by the City Attorney, with designated agencies for the implementation of the Strategic Partnership Fund Grants.

Read, approved and adopted this 10th day of June, 2014.

Magdalen Burleson
CITY CLERK

Edwin Marcus
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. - 14--120

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING 512 SQUARE FEET OF REAL PROPERTY LOCATED OFF OF COXE AVENUE

WHEREAS, the City of Asheville holds title to real property located off of Coxe Avenue, located at the southern-most boundary of 185 Coxe Avenue, measuring approximately 4 feet by 128 feet; and

WHEREAS, the property is not needed by the City of Asheville; and

WHEREAS, the City of Asheville has received an offer to purchase said property from South Slope Holdings, LLC in the amount of $1,000; and

WHEREAS, North Carolina General Statutes Section 160A-269 provides for the sale of real property by negotiated offer, advertisement, and upset bids;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 512 square feet of real property located off of Coxe Avenue to South Slope Holdings, LLC. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder of the purchase price of $1,000.

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey aforementioned property to the South Slope Holdings, LLC. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 10th day of June 2014.

Magdalen Bullerson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullerson
City Clerk

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RESOLUTION NO. - 14-121

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING 0.06 ACRES OF REAL PROPERTY LOCATED OFF OF HAZZARD STREET

WHEREAS, the City of Asheville holds title to real property located off of Hazzard Street, identified as 0.06 acres (PIN # 9648-69-9941 & 9648-79-0902); and

WHEREAS, the property is not needed by the City of Asheville; and

WHEREAS, the City of Asheville has received an offer to purchase said property from Helen Lindberg and C.C. Courtney in the amount of $3,000; and

WHEREAS, North Carolina General Statutes Section 160A-269 provides for the sale of real property by negotiated offer, advertisement, and upset bids;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 0.06 acres (PIN # 9648-69-9941 & 9648-79-0902) of real property located off of Hazzard Street to Helen Lindberg and C.C. Courtney. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder of the purchase price of $3,000.

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey aforementioned property to the Helen Lindberg and C.C. Courtney. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 10th day of June 2014.

Magdalen Bruleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bruleson
City Clerk

RESOLUTION 14- 122

RESOLUTION AMENDING THE CITY OF ASHEVILLE'S FINANCIAL POLICIES

WHEREAS, the City of Asheville maintains financial policies that establish general guidelines for the fiscal management of the City; and

WHEREAS, these guidelines, influenced by the North Carolina Local Government Budget and Fiscal Control Act and sound financial principles, provide the framework for budgetary and fiscal planning; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the financial policies of the City of Asheville and to establish a financial policy to ensure the viability of an Internal Service Fund, the Health Insurance Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

The City of Asheville Financial Policy be amended as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Read, approved and adopted this 10th day of June, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved As To Form:

City Attorney

Magdalen Burleson
City Clerk

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CITY OF ASHEVILLE

EXHIBIT A to Resolution No. 14 -122

Subject: Financial Policies

Effective Date:

Issued and maintained by: Finance & Management Services Department

Adopted by City Council:

The City of Asheville financial policies establish general guidelines for the fiscal management of the City. These guidelines, influenced by the North Carolina Local Government Budget and Fiscal Control Act and sound financial principles, provide the framework for budgetary and fiscal planning. Operating independently of changing circumstances and conditions, these policies assist the decision-making processes of the City Council and city administration.

A. *Operating Budget Policy*

1. Current operating expenditures will not exceed current operating revenues. Fund balance appropriations shall be limited to non-recurring expenditures.
2. Debt proceeds or non-recurring revenues will not be used to finance recurring operating and recurring capital expenditures.
3. The City will integrate performance measures and productivity indicators with the annual budget.
4. The City will prepare a five-year operating budget projection which will include projections of annual growth plus allowances for operating costs of new capital facilities.
5. It is the City's policy that the operating budget be prepared in accordance with Generally Accepted Accounting Principles.

B. *Reserves*

1. The City will maintain an undesignated fund balance equal to or greater than 15% of the General Fund operating budget, with any amount in excess of 15% being available for allocation according to the direction of City Council.
2. For all other operating funds, the City shall seek to maintain a minimum fund balance as follows:

Civic Center Fund	16% of the operating budget
Golf Fund	8% of the operating budget
Parking Fund	8% of the operating budget
Stormwater Fund	8% of the operating budget
Transit Fund	8% of the operating budget (portion may be reflected in the General Fund)
Water Fund	100% of operating budget/365 days of working capital

C. *Interfund Transfers*

1. The City will strive to ensure that the enterprise funds are financially self-sufficient; however, the City may budget a transfer from the General Fund to an enterprise fund to ensure operational and/or capital support for the activities of the fund. If financial performance in the enterprise operating fund is better than budgeted, and the enterprise fund meets the reserve

standards set in Section B of this policy, then any remaining portion of the interfund transfer shall be considered by Council to be returned to the General Fund as part of the annual financial audit process.

D. Revenue Policy

1. Revenue estimates shall be set at realistic and attainable levels and shall be monitored and reported to Council at least quarterly.
2. The City will conduct an annual review of specific programs and services which have been identified as potential opportunities for user fees and for which user fees are charged. Where appropriate, user fees will be set at a level sufficient to recover the full costs of the program or service.
3. Regulatory fees shall be set at a level that strives to recover full costs (direct and indirect costs, such as depreciation or usage costs associated with capital assets) of providing the service, unless statutory restrictions limit the fee amount.
4. Non-regulatory fees are charged for a wide variety of services with the primary purpose for non-regulatory fees being to: 1) influence the use of the service and 2) increase equity.
5. Non-regulatory user fees shall be set at a level that is reflective of the marketplace and strives to recover full costs (direct and indirect costs, such as depreciation associated with capital assets) except when:
   a. Free or subsidized services provides a significant public benefit;
   b. The City has determined that it can achieve community-wide public benefits;
   c. Full cost recovery would result in reduced use of the service or limit access to intended users thereby not achieving community-wide public benefits;
   d. The cost of collecting the user fees would be excessively high;
   e. Ensuring the users pay the fees would require extreme measures.

E. Capital Improvement Policy

1. The City will update and readopt annually a five-year capital improvement program which details each capital project and funding source.
2. The capital improvements plan should be tied to the City's comprehensive growth plan, "City Plan 2025," as well as to the City's other adopted Master Plans, to ensure that the capital items requested meet the future growth needs and long-term vision for the City.
3. The City shall appropriate all funds for Capital projects with a Capital Projects Ordinance in accordance with State statutes.
4. Operating expenses for all capital projects will be estimated and accounted for in the Capital Improvements Program and incorporated into the annual operating budget.
5. Capital expenditures included in the CIP as a project will cost at least $50,000 and have a useful life of at least five years. Equipment purchases are considered operating expenses and will not be included in the CIP.
6. Capital facilities to be financed with bond-indebtedness must adhere to the debt policies of the City including maintenance of adopted debt ratios.

7. Items with life of at least five years and cost of at least $50,000 acquired under capital lease agreements will be considered as capital improvements, and lease arrangements shall be incorporated into debt policy below.
8. Whenever practicable, co-funding arrangements for capital improvements shall be sought from sources including county, state and federal governments; philanthropic institutions; corporate partners; other donors; and community partners. Presentations of five-year CIP plans to Council shall incorporate targeted co-funding amounts and strategies.

F. Accounting Policy

1. The City will establish and maintain the accounting systems according to North Carolina Local Budget and Fiscal Control Act, Generally Accepted Accounting Principles (GAAP) and standards established by the Governmental Accounting Standards Board (GASB).
2. Full disclosure will be provided in the financial statements and bond representations.
3. Financial systems will be maintained to monitor expenditures and revenues on a monthly basis.
4. All revenue collections will be consolidated under the Director of Finance and be reviewed through an internal audit process at least annually.
5. The City's Fiscal Procedures Manual will be maintained as a central reference point and handbook for all activities which have a fiscal impact within the City and will serve as the City's authoritative source for fiscal procedures.

G. Audit Policy

1. An annual audit will be performed by an independent public firm which will issue an official opinion on the annual financial statements, with a management letter detailing areas that need improvement, if required. The City will prepare a Comprehensive Annual Financial Report that will be submitted to the Local Government Commission each year according to the commission's stated deadlines.
2. When obtaining the services of independent auditors, the City of Asheville shall enter into multiyear agreements of not more than five years in duration through a series of single-year contracts as consistent with applicable legal requirements. It is the City of Asheville's policy that the independent auditor be replaced at the end of the five-year engagement to enhance auditor independence unless lack of competition among audit firms fully qualified to perform public-sector audits make mandatory rotation counterproductive. The principal factor in the selection of an independent auditor is the auditor's ability to perform a quality audit. In no case should price be allowed to serve as the sole criterion for the selection of an independent auditor.

H. Water Utility Policy

1. **Setting Water Rates & Charges:** Charges for water users shall be set at a level to provide sufficient revenues to cover all annual operating and debt service expenditures, to accumulate funds for the acquisition and replacement of capital equipment and facilities, and to finance the long-term Capital Improvement Plan. As the Water Fund relies solely on user fees, the City of Asheville will continue to be guided by cost-of-service principles with regard to rates, fees, and

charges, and will operate the water system at the lowest rates consistent with the obligation to provide proper and efficient services, now and in the future. Rate increases will be evaluated annually and implemented with a maximum level of predictability, consistency and affordability.

2. **Debt Service Coverage:** Utility debt service coverage ratios shall be maintained at a level of 1.25 to 1.5 times coverage or greater (as measured by net revenues, excluding capital contributions, available for debt service divided by total debt service requirements).
3. **Debt to Net Plant:** Utility system debt shall not exceed 70%-75% (as measured by total long-term debt divided by total net assets).
4. **Cash Financing of Capital:** Annual revenues and cash reserves shall provide not less than 30% of CIP funding.
5. **Service Affordability:** The most commonly used and most cited measure of water service affordability of "percent MHI" – that is, calculating what a year's worth of water bills for an average level of consumption (e.g. 5000 gallons/month) is compared to the median household income (MHI) in the community served by the utility. This indicator is easy to calculate by simply using the calculated bill amount and the U.S. Census Bureau's median household income date from their latest 5-year American Community Survey estimates. The City of Asheville's percent MHI, the average annual residential bill divided by real median household income, shall be ≤1.5%.

I. *Internal Service Fund Policy*

1. Health Fund
   a. Health Claims Budget and Rate Setting

      Health claims shall be budgeted to adequately fund expenses including trend, administrative costs, stop-loss premiums and risk corridor. Expected claims expenses shall be projected based on annual actual mature claims experience adjusted for trend, enrollment and plan design and network changes.

      Trend is defined as year to year medical inflation influenced by utilization, advances in medical technology and increasing cost of medical services.

      Risk corridor, calculated at 5% of expected claims expense, is defined as the difference between expected claims and the aggregate potential liability on group claims to be funded from current rate resources as opposed to reserves. The amount over the risk corridor represents the risk the employer is accepting in the self-funded plan which, if claims exceeded the aggregate potential liability funded from current rate resources, would be paid from reserves.

   b. Health Fund Reserve Requirement

      The health fund shall maintain reserves designed to offset normal variances in claims cost from year to year, unforeseen catastrophic claims beyond any reinsurance, larger than

expected medical inflation trends, incurred but not reported claims liability and the impact of future health care legislative mandates.

The health reserve amount shall be calculated as the sum of the following:

1. 100% of the incurred but not reported claims liability with the lag factor based on the prior 12-month average, and
2. 100% of reported and not yet paid claims computed as two weeks of annual claims benefit costs, and
3. 30% of the aggregate of 1 and 2 above

Should the health fund fail to meet the required reserve level, the amount needed to restore the fund to the required reserve level shall be funded in subsequent years' rate structure and recovered over a period of not more than three years.

Should the health fund exceed the required reserve level, the amount in excess of the required reserve level shall be credited to the subsequent year's employer health care contribution.

J. Debt Management

1. Capital projects financed through the issuance of bonds shall be financed for a period not to exceed the expected life of the project.
2. The general bonded indebtedness of the City of Asheville will not exceed 8% of the assessed valuation of the taxable property of the City.
3. Total debt service on tax-supported debt of the City will not exceed 15% of total general operating revenue.
4. Payout of aggregate principal outstanding shall be no less than 50% repaid within 10 years.
5. The City will maintain its financial condition so as to maintain a minimum AA bond rating.
6. The City's Water Resources Utility will maintain its financial condition so as to maintain a AA bond rating.
7. The City's debt policy will be comprehensive and the City will not knowingly enter into any contracts creating significant unfunded liabilities.

It is the policy of the City of Asheville to comply with all applicable federal tax rules related to its tax-exempt debt issuances. The City's Chief Financial Officer, and his or her designees, has primary responsibility for ensuring that the City's outstanding tax-exempt debt issuances are, and remain, in compliance with federal tax law. The Chief Financial Officer will maintain policies and procedures to ensure compliance with such rules. The City's Finance Department will consult with other departments within the City, as well as third-party professionals (e.g., Bond Counsel and financial advisor), as necessary, to ensure compliance with all applicable federal tax documentation requirements, yield restriction limitations, arbitrage rebate requirements, third-party use limitations and recordkeeping requirements.

RESOLUTION NO. 14-123

RESOLUTION APPOINTING CHAIR TO THE CIVIL SERVICE BOARD

WHEREAS, it is the responsibility of City Council to appoint the Chair of the Civil Service Board; and

WHEREAS, the Chair of the Civil Service Board shall be appointed annually by City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Marvin Rosen, 6 Graystone Road, Asheville, N.C., be and he is hereby reappointed as Chairman of the Civil Service Board to serve a one-year term, term to expire June 25, 2015, or until his successor is duly and annually appointed by the City Council, as provided by law.

Read, approved and adopted this 10th day of June , 2014.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

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RESOLUTION NO. 14-124

RESOLUTION APPOINTING A MEMBER TO THE WNC REGIONAL AIR QUALITY AGENCY

WHEREAS, the term of Dean Kahl, as a member on the WNC Regional Air Quality Agency Board, will expire on July 1, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Dean Kahl, 2 Fox Lair Court, Asheville, N.C., be and he is hereby reappointed, as a member on the WNC Regional Air Quality Agency Board, to serve an additional six-year term, term to expire July 1, 2020, or until his successor has been appointed.

Read, approved and adopted this 10th day of June, 2014.

Magdalen Bradley
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bradley
City Clerk

RESOLUTION NO. 14-125

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE CRIME STOPPERS BOARD

WHEREAS, the terms of Anthony Mitchell and Karl Katterjohn, as members of the Asheville-Buncombe Crime Stoppers Board, will expire on June 30, 2014; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Anthony Mitchell, 606 River Ridge Drive, Asheville, North Carolina, be and he is hereby reappointed as a City Council representative on the Crime Stoppers Board of Directors, to serve a three-year term, term to expire June 30, 2017, or until his successor has been appointed.

Mr. Karl Katterjohn, 11 Von Ruck Court, Asheville, North Carolina, be and he is hereby reappointed as a City Council representative on the Crime Stoppers Board of Directors, to serve an additional three-year term, term to expire June 30, 2017, or until his successor has been appointed.

Read, approved and adopted this 10th day of June, 2014.

Magdalen Bruleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bruleson
City Clerk

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RESOLUTION NO. 14-126

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, the terms of Brendan Ross and Richard Fast, as members on the Asheville-Buncombe Historic Resources Commission, will expire on July 1, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Brendan Ross, 193 Stratford Road, Asheville, North Carolina, be and she is hereby reappointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve an additional three-year term, term to expire on July 1, 2017, or until her successor has been appointed.

(2) Mr. Richard Fast, 103 Beaver Ridge Road, Asheville, North Carolina, be and he is hereby reappointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve a three-year term, term to expire on July 1, 2017, or until his successor has been appointed.

Read, approved and adopted this 10th day of June, 2014.

Magdalen Bullman
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullman
City Clerk

RESOLUTION NO. 14-127

RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

WHEREAS, the terms of Todd Dunnuck, Mildred Nance-Carson, Josh O'Conner and Jordan Veale as members on the Recreation Board, will expire on June 30, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Todd Dunnuck, 6 Plymouth Circle, Asheville, N.C., be and he is hereby reappointed, as a member of the Recreation Board, to serve an additional three-year term, term to expire June 30, 2017, or until his successor has been appointed.

(2) Ms. Kimberly Reed, 218 Appeldoorn Circle, Asheville, N.C., be and she is hereby appointed, as a member of the Recreation Board, to serve a three-year term, term to begin July 1, 2014, and expire June 30, 2017, or until her successor has been appointed.

(3) Mr. Josh O'Conner, 584 Fairview Road, Asheville, N.C., be and he is hereby reappointed, as a member of the Recreation Board, to serve an additional three-year term, term to expire June 30, 2017, or until his successor has been appointed.

(4) Mr. Patrick Dennehy, 56 Woodland Road, Asheville, N.C., be and he is hereby appointed, as a member of the Recreation Board, to serve a three-year term, term to expire June 30, 2017, or until his successor has been appointed.

Read, approved and adopted this 10th day of June, 2014.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 14-128

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, Mayor Esther Manheimer Davis has resigned as a member of the Asheville Area Riverfront Redevelopment Commission, thus creating a vacancy for the City Council ex-officio voting member;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilman Jan Davis be and he is hereby appointed to the Asheville Area Riverfront Redevelopment Commission to serve in an ex-officio voting member capacity until he is no longer a member of the Asheville City Council.

Read, approved and adopted this 10th day of June, 2014.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-129

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DECLARING THE INTENT OF THE CITY OF ASHEVILLE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH CAPITAL IMPROVEMENT PROJECTS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN THE FISCAL YEAR 2015

WHEREAS, the City Council of the City of Asheville, North Carolina (*"City"*) has determined that it is in the best interests of City to finance various capital improvements as part of its capital improvement plan in Fiscal Year 2014, including the demolition of a building and construction of a retaining wall in Handy Park (the *"Projects"*);

WHEREAS, the City reasonably expects to receive the proceeds of the sale of tax-exempt obligations (the *"Obligations"*) during fiscal year 2015 to finance the Projects;

WHEREAS, the City desires to proceed with the Projects and will incur and pay certain expenditures in connection with the Projects prior to the date of execution and delivery of the Obligations (the *"Original Expenditures"*), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the City intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Contract to be executed and delivered at a date occurring after the dates of such Original Expenditures;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheville, North Carolina as follows:

Section 1. *Official Declaration of Intent.* The City presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the City on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The City reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Projects and the maximum principal amount of Obligations expected to be executed and delivered by City to pay for all or a portion of the costs of the Projects is $450,000.

Section 2. *Compliance with Regulations.* The City adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the City's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. *Itemization of Capital Expenditures.* The Chief Financial Officer of the City, the Deputy Finance Director, the Budget Manager and their respective designees, with advice from special counsel, are each hereby authorized, directed and designated to act on behalf of the City in determining and itemizing all of the Original Expenditures incurred and paid by the City in connection with the Projects during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. *Effective Date.* This Resolution shall become effective immediately upon the date of its adoption.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-130

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DESIGNATING THE CITY MANAGER AND FINANCE DIRECTOR AS AUTHORIZED OFFICERS TO DECLARE THE INTENTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH TAX-EXEMPT OBLIGATIONS

WHEREAS, the City of Asheville, North Carolina (*"City"*) from time to time finances capital projects with tax-exempt obligations;

WHEREAS, the City sometimes must expend its own available funds for capital projects in advance of completing a tax-exempt financing;

WHEREAS, under certain provisions of the Internal Revenue Code, in order for the City to reimburse itself for expenditures incurred before a tax-exempt financing is completed, the City must declare its intent to reimburse itself within 60 days from the date of such capital expenditure;

WHEREAS, the declaration of the intent to reimburse itself does not obligate the City to complete the tax-exempt financing but allows the City to reimburse itself from an expected tax-exempt financing;

WHEREAS, for administrative convenience the City Council of the City wants to designate the City Manager and the Finance Director of the City as authorized officers to declare the intention of the City to reimburse itself for capital expenditures incurred in connection with a tax-exempt financing;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheville, North Carolina as follows:

Section 1. *Designation to Make Declarations of Intent.* The City Manager and the Finance Director of the City, individually or collectively, are hereby authorized and designated by the City Council to make, by appropriate action as an authorized representative of the City acting on behalf of City, declarations of official intent within the meaning of Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, evidencing the City's intent to reimburse itself for expenditures incurred and paid by the City in connection with projects from the proceeds of tax-exempt obligations.

Section 2. *Effective Date.* This Resolution shall become effective immediately upon the date of its adoption.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION 14- 131

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING AGREEMENT TO FINANCE VEHICLES AND EQUIPMENT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the *"City Council"*) has determined that it is in the best interest of the City to enter into an installment financing agreement (the *"Contract"*) with Wells Fargo Bank, National Association (the *"Bank"*) in order to pay the capital costs of the acquisition and installation of computer equipment, vehicles and general governmental equipment (collectively, the *"Projects"*), and to put a security interest in the Projects in favor of the Bank in order to provide security for the City's obligations under the Contract;

WHEREAS, the City will enter into the Contract in an aggregate principal amount of not to exceed $1,810,000;

WHEREAS, there have been made available to the City Council the form of the Contract which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Contract; and

WHEREAS, it appears that the Contract is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Ratification of Prior Actions.*** All actions of the City, the City Manager, the City Attorney, the City Purchasing Director, the Finance Director and the Fiscal Services Manager of the City and the City Clerk and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract.

Section 2. ***Approval, Authorization and Execution of Contract.*** The City hereby approves the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with their terms. The City hereby approves the amount advanced by the Bank to the City pursuant to the Contract in an aggregate principal amount not to exceed $1,810,000, such amount to be repaid by the City to the Bank as provided in the Contract. The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the City Manager, the City Attorney, the Finance Director and the Fiscal Services Manager of the City and the City Clerk or their respective designees (each a *"Designated Representative"*), individually or collectively, are authorized, empowered and directed to execute and deliver the Contract for and on behalf of the City,

including necessary counterparts, in substantially the form made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract, each Designated Representative is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. ***Further Actions.*** Each Designated Representative is hereby designated as the City's representatives to act on behalf of the City in connection with the transactions contemplated by the Contract, and the City Manager, the City Purchasing Director, the Finance Director and the Fiscal Services Manager of the City are authorized and directed to proceed with the Projects in accordance with the terms of the Contract, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Designated Representatives are hereby authorized to designate one or more employees of the City to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Contract. The Designated Representatives are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Contract or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 4. ***Repealer.*** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 5. ***Severability.*** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. ***Effective Date.*** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bouleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 14-132

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION SERVICES CONTRACT WITH TENNOCA CONSTRUCTION COMPANY FOR THE CONSTRUCTION SERVICE NECESSARY FOR THE CRAVEN STREET IMPROVEMENTS

WHEREAS, the City of Asheville has the authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Craven Street Improvement Project; and

WHEREAS, the Economic Development Administration, Golden Leaf Trust Fund and Clean Water Management Trust Fund has provide funding to the Craven Street Improvements Project; and

WHEREAS, the City of Asheville has been named as a recipient of funding from these partners; and

WHEREAS, the City wishes to complete major construction in advance of the New Belgium Brewery opening; and

WHEREAS, the City of Asheville did advertise and receive bids from qualified contractors to perform the construction activity outlined in the approved documents for the Craven Street Improvement project and the City of Asheville determined that Tennoca Construction Company and their bid of $6,001,365.79 as the low responsible and responsible bidder;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract with Tennoca Construction Company for the construction services necessary for completion of the Craven Street Improvement Project for $6,001,365.79. Additionally, the City Manager is authorized to enter into change orders to this contract not to exceed 15% of the original contract or $900,204.87.

Read, approved and adopted this the 24th day of June, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14- 133

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INGLES INDEPENDENCE DAY CELEBRATION ON THE DATE OF FRIDAY, JULY 4, 2014 FROM 2:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Ingle's Independence Day Celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Ingle's Independence Day event area, as set forth on Exhibit A, attached.

   The Ingle's Independence Day event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for

the Ingle's Independence Day Celebration on Friday, July 4, 2014 from 2:00 p.m. to 10:00 p.m.;

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Ingle's Independence Day Celebration event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Ingle's Independence Day Celebration event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Ingle's Independence Day Celebration, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bowlesan
City Clerk

Mayor

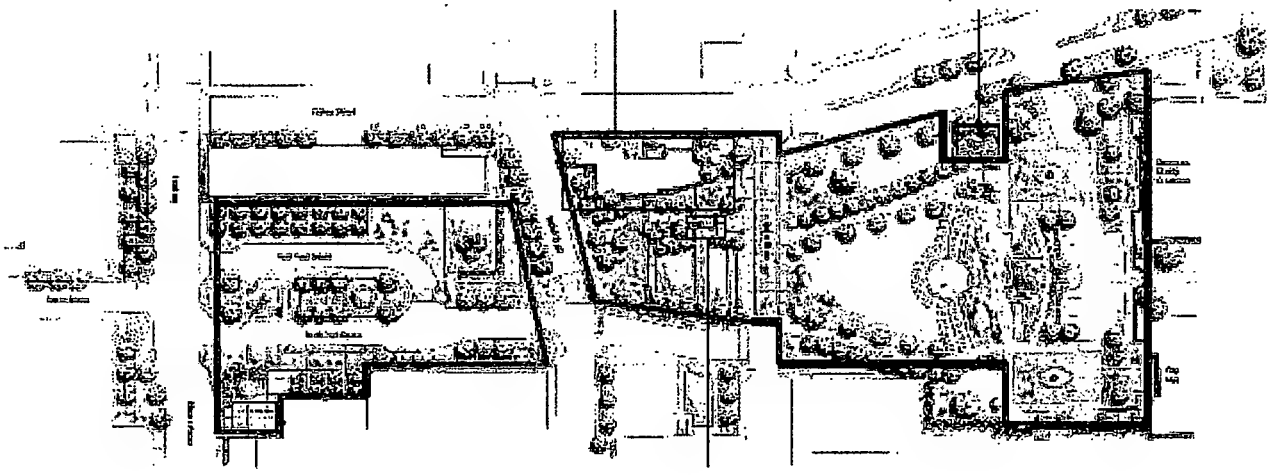
Approved as to form:

City Attorney

Magdalen Bowlesan
City Clerk

245

Exhibit A



Alcohol Area

RESOLUTION NO. 14- 134

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT RIVERFEST ON THE DATE OF SATURDAY, AUGUST 9, 2014 FROM 1:00 PM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Riverfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Riverfest event area, as set forth in Exhibit A, attached.

   The Riverfest event area is within the boundaries of French Broad River Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Riverfest on Saturday, August 9, 2014 from 1:00 p.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Riverfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be

allowed in the Riverfest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Riverfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bulleson
City Clerk

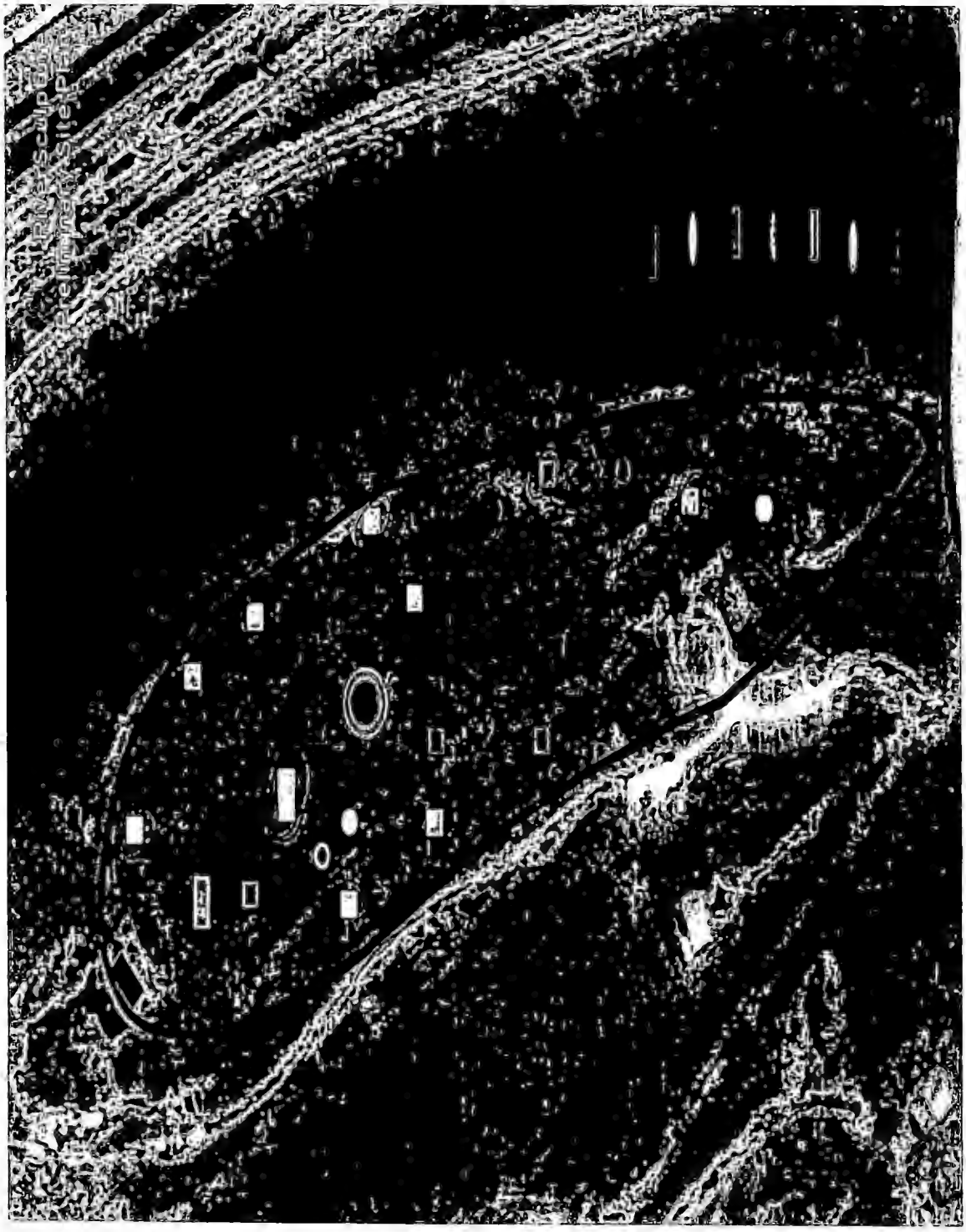
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

Exhibit A



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RESOLUTION NO. 14- 135

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE NEW BELGIUM CLIPS BEER & FILM TOUR ON THE DATE OF FRIDAY, SEPTEMBER 5, 2014 FROM 7:30 PM – 10:30 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the New Belgium Clips Beer & Film Tour.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the New Belgium Clips Beer & Film Tour event area, as set forth in Exhibit A, attached.

   The New Belgium Clips Beer & Film Tour event area is within the boundaries of Pack Square Park's Roger McGuire Green and Reuter Terrace, including South Spruce Street between the intersections of South Pack Square and College Street, and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the New Belgium Clips Beer & Film Tour event on Friday, September 5, 2014 from 7:30 a.m. – 10:30 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the New Belgium Clips Beer & Film Tour event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed the New Belgium Clips Beer & Film Tour event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the New Belgium Clips Beer & Film Tour, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bullerson
City Clerk

Mayor

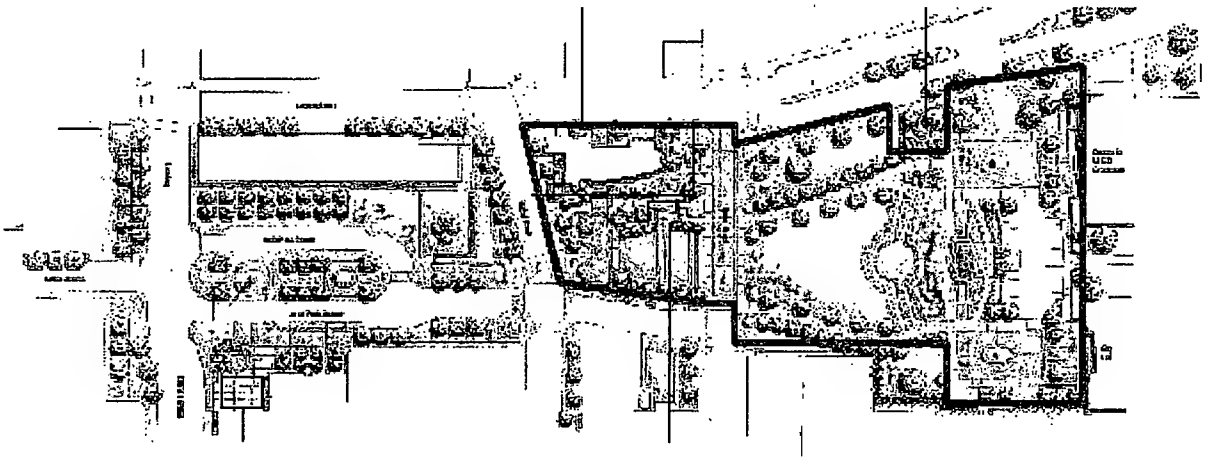
Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

251

EXHIBIT A



Alcohol Area

RESOLUTION NO. 14- 136

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ORGANICFEST ON THE DATE OF SUNDAY, SEPTEMBER 7, 2014 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Organicfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Organicfest event area, as set forth on Exhibit A, attached.

   The Organicfest event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Organicfest on Sunday, September 7, 2014 from 12:00 p.m. to 6:00 p.m.;

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages

and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Organicfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Organicfest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Organicfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bowlson
City Clerk

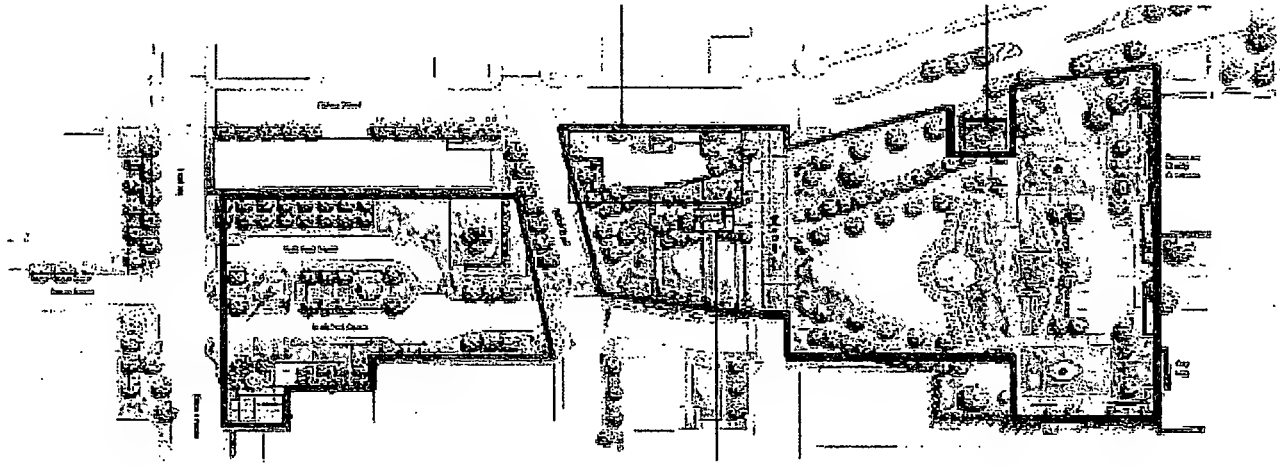
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

Exhibit A



Alcohol Area

RESOLUTION NO. 14-137

RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the initial two-year terms of Robert Roepnack (representing the 28804 zip code), Barber Melton (representing the 28805 zip code), and Elaine Poovey (at-large representative), as members on the Neighborhood Advisory Committee, expire on July 1, 2014; and

WHEREAS, Carmen Ramos-Kennedy (at-large representative), has resigned as a member on the Neighborhood Advisory Committee, thus leaving an unexpired term until July 1, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Robert Roepnack, 23 W. Black Oak Drive, Asheville, N.C., be and he is hereby reappointed to serve a three-year term (representing the 28804 zip code), term to expire July 1, 2017, or until his successor has been appointed.

Ms. Barber Melton, 15 Melton Drive, Asheville, N.C., be and she is hereby reappointed to serve a three-year term (representing the 28805 zip code), term to expire July 1, 2017, or until her successor has been appointed.

Ms. Elaine Poovey, 61 Bear Creek Road, Asheville, N.C., be and he is hereby reappointed to serve a three-year term (at-large representative), term to expire July 1, 2017, or until her successor has been appointed.

Ms. Teddy Jordan, 30 Normandy Road, Asheville, N.C., be and she is hereby appointed to serve the unexpired term of Ms. Ramos-Kennedy as an at large representative, term to expire July 1, 2016, or until her successor has been appointed.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bulleson
CITY CLERK

Edwin G. Mc
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-138

RESOLUTION ESTABLISHING CRITERIA FOR DESIGN-BUILD DELIVERY METHOD FOR CONSTRUCTION CONTRACTS

WHEREAS, the State of North Carolina recently passed Session Law 2013-401 authorizing local governmental entities in North Carolina to utilize the design-build method for construction contracting pursuant NC G.S. 143-128.1A; and

WHEREAS, the design-build method is an integrated approach to a construction project that delivers both design (architectural and engineering) and construction services under one contract with a single point of responsibility. Under this delivery method, the City is provided the benefit of the design team and contractor working together to achieve the City's objectives under a single contract; and

WHEREAS, the statute requires the City to establish written criteria for determining when the design-build method is appropriate for a project; and

WHEREAS, the statute also requires the City to approve criteria for each individual project; and

WHEREAS, the statute defines the written criteria for determining when the design-build method is appropriate for a project as;

Establishment of Criteria
Criteria 1: The extent to which the City can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications (RFQ) for a design-builder. The design-build method may be used if it is determined that, for the project, the City has professional staff that are both qualified and experienced to thoroughly define project requirements prior to the issuance of a request for qualifications (RFQ) for a design-builder. Consideration will be given to the qualifications and experience of City staff and the availability of professional staff in the areas of purchasing, finance and legal to assist in the development of an RFQ.

Criteria 2: The time constraints for the delivery of the project. The design-build delivery method may be used if a project has a firm date by which a facility must be operational and the normal delivery method (i.e. RFQ, study, design, bid and construct) is likely not to be timely. The size and cost of a project will dictate complexity and schedule.

Criteria 3: The ability to ensure that a quality project can be delivered. The design-build delivery method may be used if it is determined that, for the project, the City has professional and experienced staff to ensure that the design-build firm will provide a quality project within the budget constraints established by Council. Consideration will be given to the qualifications and experience of City staff charged with management of the project.

Criteria 4: The capability of the City to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery. The design-build delivery method may be used if it is determined that, for the project, the City has professional and experienced staff that are knowledgeable of design-build projects or, in the alternative, experienced consultants local to Asheville are available to be retained to perform the construction management of a design-build contract.

Criteria 5: A good-faith effort to comply with historically underutilized business particiOpation requirements (NCGS 143-128.2, NCGS 143-128.4), and to recruit and select small business entities. The design-build delivery method may be used if it is determined that, for the project, requirements will be imposed which ensure that contractors will comply with the M/WBE goals set by Council.

Criteria 6: The criteria utilized by the City, including a comparisCn of the costs and benefits of using the design-build delivery method of a given project in lieu of the other delivery methods identified. The criteria utilized by the City when considering a design-build delivery method for a project will be as follows:

- Is the project well defined and does it include qualitative and quantitative characteristics that make a design-build contract more appropriate than other methods of delivery?
- Is the project timeline overly constrained and will it be necessary to have the facility complete and operational within a short timeframe?
- Will it be necessary to have beneficial use of a portion of the facility while it is under construction?
- Given the scope of the project, is there a maximum budget that must be adhered to in order to allow negotiations and flexibility to make appropriate decisions on scope as the project progresses?
- Does the design-build delivery method meet the ultimate operational goals established for a given facility and the quality of product achieved as a result of a more fluid and flexible delivery method?

In general terms, if it is determined that the expected expense of a design-build project will be no more than ten (10%) greater than the expected expense of a traditional RFQ, study, design, bid and construct project, the design-build delivery method may be utilized.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) The criterion for the design-build delivery method for construction contracts is established.

(2) The City Manager or his designee is authorized to review and approve the criteria for each individual design-build project to ensure compliance with this adopted criteria.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bradley
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bradley
City Clerk

RESOLUTION NO. 14-139

RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE ASHEVILLE SAFECAM PROGRAM

WHEREAS, the implementation of the Asheville Safecam Program would encourage property owners and businesses to utilize their surveillance cameras to make areas safer for shoppers and the community; and

WHEREAS, this no-cost program would assist in criminal investigations by aiding law enforcement in identifying offenders of crimes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to implement the Asheville Safecam Program.

Read, approved, and adopted this 24th day of June 2014.

Magdalen Bruleson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bruleson
City Clerk

259

RESOLUTION NO. 14-140

RESOLUTION NAMING CITY OF ASHEVILLE FIRE STATION NUMBER ONE AFTER CHARLES AUGUSTUS WERHAN

WHEREAS, the City of Asheville has a policy for naming City of Asheville Facilities, and

WHEREAS, City of Asheville Firefighter Charles Augustus Werhan was tragically killed in the line of duty on December 9th, 1963, while fighting a fire at 23 Biltmore Ave., and

WHEREAS, Asheville City Council would like to honor Firefighter Charles Augustus Werhan by naming City of Asheville Fire Station One after him;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City of Asheville Fire Station One is named after City of Asheville Firefighter Charles Augustus Werhan.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 14-141

RESOLUTION AMENDING THE 2014 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The July 29, 2014, City Council community meeting is hereby cancelled.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

261

RESOLUTION NO. 14-142

RESOLUTION AUTHORIZING THE CITY MANAGER TO MODIFY THE EXISTING MEMORANDUM OF UNDERSTANDING WITH NEW BELGIUM BREWERY TO ALLOW FOR COST SAVING PARTNERSHIPS DURING THE CONSTRUCTION PROCESS

WHEREAS, the City of Asheville entered into a Memorandum of Understanding with New Belgium Brewer to located to Asheville on September 17, 2012; and

WHEREAS both the City of Asheville and New Belgium Brewery have seen areas to partner to obtain cost savings; and

WHEREAS, the City wishes to complete the construction activities ahead of the opening of New Belgium Brewery;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is herby authorized to modify the existing Memorandum of Understanding with New Belgium Brewery to allow for cost saving partnerships during the construction process.

Read, approved and adopted this the 24th day of June, 2014.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 14-143

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT TO DAVID WILLIAMSON FOR A DRIVEWAY EASEMENT ON CITY PROPERTY LOCATED AT CURVE STREET

WHEREAS, N. C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, owns property located at Curve Street, identified as PIN # 964868587800000; and

WHEREAS, David Williamson requests that the City grant an easement measuring approximately 435.6 square feet in order to accommodate driveway to a residential lot; and

WHEREAS, the easement will not interfere with the City's intended use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-273, the City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located at Curve Street PIN # 964868587800000 to David Williamson. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 14-144

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PRIVATE DONATIONS FROM CITIZENS OR GROUPS FOR THE ASHEVILLE POLICE DEPARTMENT

WHEREAS, pursuant to N.C.G.S. 160A-240.1, a city may acquire, by gift, grant, devise, exchange, purchase, lease or any other lawful method, the fee or any lesser interest in real or personal property for use by the City or any department of the City; and

WHEREAS, a group has donated to the Asheville Police Department the amount of $1,100;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept funds donated to the Asheville Police Department in the amount of $1,100.

Read, approved, and adopted this 24th day of June, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-145

RESOLUTION AUTHORIZING CITY STAFF TO PROCEED WITH THE STATUTORY CONDEMNATION PROCESS AS SET FORTH IN ARTICLE 3 OF CHAPTER 40A OF THE NORTH CAROLINA GENERAL STATUTES FOR THE PROPERTY LOCATED AT 61 HAYWOOD ROAD, ASHEVILLE, NORTH CAROLINA

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 40A of the North Carolina General Statutes to exercise eminent domain in the condemnation of property; and

WHEREAS, the City of Asheville is planning to make multi-modal improvements to a portion of Haywood Rd., from Craven Street to the new traffic signal at Beechum's curve; and

WHEREAS, more specifically the multi-modal improvements along the portion of 61 Haywood Road consist of the construction of a sidewalk; and

WHEREAS, after numerous attempts at acquiring an easement on the property at 61 Haywood Road, Asheville NC 28806, an agreement with the property owner could not be reached; and

WHEREAS the City made an offer of $6,950, per an MAI appraisal and pursuant to the City's Sidewalks and Related Infrastructure Right of Way Acquisitions Policy and Procedures; and

WHEREAS, the property owner refused the offer; and

WHEREAS, the City has no other course of action other than to exercise eminent domain and condemn the property,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City shall acquire by condemnation the easement needed crossing the property at 61 Haywood Rd. Asheville NC 28806, necessary for the Multi-Modal Improvements Project for public use and benefit as set forth in Article 3 of Chapter 40A of the North Carolina General Statutes.

2. The City Attorney's Office and/or designee, is directed to institute the necessary proceedings under applicable provisions of the North Carolina General Statutes to acquire the property interest herein described.

3. The City Manager is hereby authorized to execute any necessary documents related to the easement acquisition by condemnation of property.

Read, approved and adopted this the 24th day of June, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

265

RESOLUTION NO. 14-146

RESOLUTION AUTHORIZING $10,000 CONTINGENCY AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS TO THE EXISTING CONTRACT WITH PINNACLE LANDSCAPING, LCC FOR GROUND MAINTENANCE SERVICES AT PACK SQUARE PARK.

WHEREAS, the City of Asheville currently contracts grounds maintenance services for Pack Square Park that supports basic city services, which is part of the provision of core park maintenance level of service programs for the City of Asheville park system; and

WHEREAS, City Council approved the existing contract on July 23, 2013 with Pinnacle Landscaping, LCC in the amount of $115,795 for a twelve (12) month period with an option for two (2) twelve (12) month renewals based on contractor performance; and

WHEREAS, the $10,000 contingency, and City Manager authorization to approve change orders included in the existing contract were omitted from the existing contract resolution; and

WHEREAS, a technical resolution revision is required to 1) reflect the actual terms of the contract, 2) to be authorized to spend the $10,000 contingency, and 3) for the City Manager to be authorized to approve change orders to the existing contract with Pinnacle Landscaping, LCC for ground maintenance services at Pack Square Park; and

WHEREAS, the $125,795 for the contract and any necessary change orders between the city and Pinnacle Landscaping, LCC for ground maintenance in Pack Square Park is budgeted in the Parks and Recreation Department operating budget for Pack Square Park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The $10,000 contingency is authorized to the existing contract with Pinnacle Landscaping, LCC for ground maintenance services at Pack Square Park., and the City Manager to approve change orders necessary within the approved budget, for a twelve (12) month period with an option for one (1), twelve (12) month renewal based on contractor performance.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-147

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH NHM CONSTRUCTORS, LLC FOR THE PROJECT KNOWN AS BENT TREE ROAD RETAINING WALL CONSTRUCTION

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Bent Tree Road Retaining Wall Construction, City of Asheville Project # ST-13-14-002; and

WHEREAS, NHM Constructors, LLC was the lowest responsible bidder for the project, in the amount of $594,567.50, and

WHEREAS, the project involves the construction of a retaining wall to support a failing road surface that has the potential for liability to the City of Asheville; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $594,567.50 plus a contingency of 10% ($59,456.75), for a total of $654,024.25, with NHM Constructors, LLC for the project known as Bent Tree Road Retaining Wall Construction, City of Asheville Project # ST-13-14-002.

Read, approved and adopted this the 24th day of June, 2014.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 14-148

RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, the terms of Victor Palomino, Jaan Ferree, Julie Calhoun-Roepnack, Gwynne Rukenbrod, Guillermo Rodriguez and Leslie Klingner, as members on the Public Art & Cultural Commission, will expire on June 30, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Victor Palomino, 105 Joyner Avenue, Asheville, N.C., be and he is hereby reappointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to expire June 30, 2017, or until his successor has been appointed.

(2) Ms. Jaan Ferree, 1333 Merrimon Avenue, Asheville, N.C., be and she is hereby reappointed, as a member of the Public Art & Cultural Commission, to serve a an additional three-year term, term to expire June 30, 2017, or until her successor has been appointed.

(3) Mr. Jay Fields, 71 Sherwood Road, Asheville, N.C., be and he is hereby appointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to begin July 1, 2014, and expire June 30, 2017, or until his successor has been appointed.

(4) Ms. Gwynne Rukenbrod, 5 Brock Terrace, Asheville, N.C., be and she is hereby appointed, as a member of the Public Art & Cultural Commission, to serve an additional three-year term, term to expire June 30, 2017, or until her successor has been appointed.

(5) Mr. Guillermo Rodriguez, 5 Lucky Lane, Asheville, N.C., be and he is hereby appointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to expire June 30, 2017, or until her successor has been appointed.

(6) Ms. Jenny Bowen, 372 Depot Street, Asheville, N.C., be and she is hereby appointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to begin July 1, 2014, and expire June 30, 2017, or until her successor has been appointed.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 14-149

RESOLUTION AUTHORIZING THE DESIGN-BUILD DELIVERY METHOD FOR CONSTRUCTION OF THE NATURE CENTER PAVILION AND RESTROOM PROJECT

WHEREAS, the City of Asheville has authority pursuant NC G.S. 143-128.1A to utilize the design-build method for construction contracting; and

WHEREAS, the statute requires the City to approve written criteria for each individual construction project; and

WHEREAS, the design-build method for construction applies to the Nature Center Pavilion and Restrooms in that,

Criteria 1: The extent to which the City can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications (RFQ) for a design-builder. Within the Parks & Recreation Department's Planning and Development Division the City has professional personnel with extensive experience in project solicitation, project management, construction design, and contract management. Additionally professional personnel are available in the areas of purchasing, finance, risk management, minority business, and legal to assist in the development of an RFQ.

Criteria 2: The time constraints for the delivery of the project. Through the State of North Carolina the WNC Nature Center will receive grant funding that requires the funds to be encumbered within FY14-15. Construction of the restroom and pavilion will be complete by winter 2014-15. By utilizing the design-build method the City is able to combine RFQ and contractor selection into one-step reducing the overall project schedule by at least one month, and reduce staff resources by preparing one solicitation. Additionally, if the design and construction phases can take place simultaneously the overall project schedule could be reduced by another month, allowing the project timeline to be compressed by 60 days or more.

Criteria 3: The ability to ensure that a quality project can be delivered. Within the Parks & Recreation Department's Planning and Development Division the City has professional personnel with extensive experience in project management, construction design and management. The division's staff has a proven history in budget and construction/design project management to ensure that the design-build firm will provide a quality project within the budget constraints established by Council.

Criteria 4: The capability of the City to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery. Within the Parks & Recreation Department's Planning and Development Division the City has professional and experienced personnel that are knowledgeable of design-build projects. Should it become necessary to contract the construction management of a design-build contract, there are experienced consultants available.

Criteria 5: A good-faith effort to comply with historically underutilized business participation requirements (NCGS 143-128.2, NCGS 143-128.4), and to recruit and select small business entities. The City of Asheville has adopted a Minority Business Plan to encourage

participation by minority businesses in the award of contacts. Bidders are hereby notified that this bid is subject to the provisions of that Plan. It is the policy of the City to (1) provide minorities an equal opportunity to participate in all aspects of its contracting and procurement programs, and (2) prohibit any and all discrimination against persons or businesses in pursuit of these opportunities.

Criteria 6: The criteria utilized by the City, including a comparison of the costs and benefits of using the design-build delivery method of a given project in lieu of the other delivery methods identified. As noted under criteria #2, one of the benefits of the design-build method is that it may reduce overall project timeline by more than 60 days. This has a direct fiscal impact on the project budget. The design- build delivery method is not expected to involve any additional expenses beyond those necessary to deliver a complete project through the traditional RFQ, study, design, bid, and construct project method. The budget for the proposed project is $100,000, including preliminary planning, provided the scope of design services can be reduced. This enables more of the approved project budget to go directly towards the physical improvements of the facilities. It is expected that the design-build process will enable approximately 5% of the available funds (about $5,000) to be allocated to the construction over what a typical design-bid-build process would allow. These benefits to both the project schedule and cost make the design- build option more appealing than the more conventional design-bid-build in this instance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The criterion for the design-build delivery method for construction for the Nature Center Pavilion and Restrooms is authorized.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bruleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

RESOLUTION NO. 14-150

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE REGIONAL AIRPORT AUTHORITY

WHEREAS, the terms of David Hillier and Bob Roberts, as members of the Greater Asheville Regional Airport Authority, will expire on June 30, 2014; and

WHEREAS, due to legislation, the seat of Mr. Hillier will now be a seat for Henderson County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Bob Roberts, 21 Bent Oak Lane, Asheville, N.C., be and he is hereby reappointed as a member of the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority, to serve an additional four-year term, term to expire on June 30, 2018, or until his successor has been appointed.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

271

RESOLUTION NO. 14-151

RESOLUTION AMENDING THE 2014 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The August 12, 2014, City Council formal meeting is hereby cancelled.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
CITY CLERK

E Ann C. M
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-152

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SUPERIOR LANDSCAPING TO PROVIDE GROUND MAINTENANCE SERVICES IN THE VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE NORTH AND EAST DISTRICTS IN ASHEVILLE

WHEREAS, the City of Asheville ccntracts ground maintenance services at various parks, greenways and facilities, which is part of the provision of core park maintenance level of service programs for the City of Asheville park system; and

WHEREAS, the Parks and Recreation Department issued an Advertisement for Bids for ground maintenance services at the various parks, greenways and facilities. Superior Landscaping was lowest responsive and responsible bidder for the north and east districts for a total of $117,200;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to enter into a contract and execute contract change orders with Superior Landscaping to provide ground maintenance services at the various parks, greenways and facilities in the north and east districts for a total of $117,200 for a twelve (12) month period with an option for two (2), twelve (12) month renewals based on contractor performance.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-153

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR LEGISLATIVE SERVICES FOR 2014 AND 2015 SESSIONS OF THE NORTH CAROLINA GENERAL ASSEMBLY

WHEREAS, the City has the authority pursuant to N.C.G.S. §160A-20.1 to enter into contracts with private entities to carry out any public function which it is authorized to engage in by law;

WHEREAS, the City requires legislative representation and advocacy for the 2014 and 2015 Sessions of the North Carolina General Assembly on matters which are of significant interest to the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor, on behalf of the City of Asheville, be and is hereby, authorized to enter into an agreement with Jack Cozort for the provision of legislative services from July 1, 2014 through January 1, 2016, which includes services for the 2014 and 2015 Sessions of the North Carolina General Assembly, in an amount not to exceed $5,000 per month, plus expenses, subject to the approval of the City Attorney.

Read, approved, and adopted this the 22nd day of July, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-154

RESOLUTION AUTHORIZING THE MAYOR TO EXPRESS THE CITY OF ASHEVILLE'S WILLINGNESS TO PROVIDE THE REQUIRED 20% LOCAL MATCH AND FUNDING FOR RIGHT-OF-WAY IF FEDERAL TRANSPORTATION FUNDING IS AUTHORIZED FOR ANY OF SEVERAL PEDESTRIAN OR BICYCLE PROJECTS IN THE CITY

WHEREAS, pursuant to N.C. Gen. Stat. 160A- 17.1, North Carolina local governments are authorized to make contracts for and to accept grants-in-aid and loans from the federal and state governments and their agencies; and

WHEREAS, recent legislative changes prevent state transportation funds from being spent on stand-alone pedestrian or bicycle projects; and

WHEREAS, stand-alone pedestrian or bicycle projects may still compete within the state's prioritization system for federal funding if funding is available; and

WHEREAS, the City must commit to providing the required 20% local match if the project is to be considered for inclusion in the TIP;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the Mayor of the City of Asheville to execute a statement of commitment to provide the required 20% local match and funding for right-of-way if federal transportation funds are authorized for any or several pedestrian or bicycle projects in the City, as more specifically set forth below:

- Construct sidewalk on Riceville Road from Tunnel Road to Bull Mountain Road. (SPOT cost estimate: $600,000; 20% local match: $120,000 plus $60,000 ROW)
- Construct pedestrian improvements along McDowell Street and Choctaw Street, which would include sidewalk gap closure, ADA upgrades and crossing improvements along McDowell Street from Phifer/Southside Ave to Choctaw Street and then on Choctaw Street to Biltmore Ave. (SPOT cost estimate: $446,000; 20% local match: $89,200 plus $26,000 ROW)
- Add bicycle lanes and sharrows at pinch points on Broadway Street from I-240 to Riverside Drive. This is anticipated to involve a combination of lane and road diets. (SPOT cost estimate: $410,000; 20% local match: $82,000)
- Bicycle improvements for McDowell Street and All Souls Crescent, including bike lanes, sharrows and striped shoulder, from McDowell St at Southside Avenue and continuing on All Souls Crescent to intersection with US 25/Hendersonville Rd. (SPOT cost estimate: 291,000; 20% local match: $58,200)

Read, approved and adopted this the 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:
City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-155

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT FOR PROJECT NO. 3-37-0005-44-2014

WHEREAS, the City of Asheville has the authority pursuant to G. S. 160A-17.1 to apply for and receive grants from the federal government, and to enter into agreements as to the administration of such grants; and

WHEREAS, the Federal Aviation Administration ("FAA") has offered a grant agreement to the Asheville Regional Airport Authority in an amount of $8,935,654, for the following: Rehabilitate Runway 16-34, Phase 1 (Grade and Drain Temporary Runway; Acquire Land for Development, Construct Retaining Wall, Engineering/Design/RPR Services, Force Account Services, FAA Reimbursable Agreements).

WHEREAS, the City of Asheville and the County of Buncombe are co-sponsors of the grant agreement; and

WHEREAS, the FAA requires each sponsor to execute said grant agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor be and is hereby authorized to execute the FAA Grant Agreement for Project No. 3-37-0005-44-2014 in an amount of $8,935,654.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-156

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RIVERTOP CONSTRUCTION, INC. FOR THE DOWNTOWN CLEANING PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Downtown Cleaning, City of Asheville Project # DC-15-01; and

WHEREAS, Rivertop Construction, Inc. of Swannanoa, NC was the lowest responsible bidder for the project, in the amount of $286,340, and

WHEREAS, the project involves the Pressure Washing of and Debris Removal from Sidewalks in the Central Business District; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $286,340.00 plus a contingency of 4.7% ($13,659) with Rivertop Contracting Inc. for the project known as Downtown Cleaning, City of Asheville Project # DC-15-01.

Read, approved and adopted this the 22nd day of July, 2014.

Magdalen Bowlesori
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesori
City Clerk

277

RESOLUTION NO. 14-157

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL SERVICES AGREEMENT WITH CAROLINA MANAGEMENT TEAM FOR THE WATER RESOURCES WATER STORAGE TANK AND PIPE COATING AND MAINTENANCE PROJECT WITH AN OPTION TO RENEW FOR TWO ADDITIONAL YEARS EACH YEAR CONTINGENT UPON FUNDING

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Resources Department has the need to rehabilitate, repair, and repaint various water storage tanks and piping within pumping stations in the water system in an amount not to exceed $150,000; and

WHEREAS, Carolina Management Team was selected by Water Resources staff for the project based on their qualifications, understanding of project scope, cost, and project schedule.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a general services agreement with Carolina Management Team (CMT) in an amount not to exceed $150,000 for the Water Resources Water Storage Tank and Pipe Coating and Maintenance Project for the 2014-15 fiscal year with an option to renew for an additional two fiscal years in an amount not to exceed $150,000 each year contingent upon funding.

Read, approved, and adopted this 22nd day of July, 2014.

Magdalen Bullion
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 14- 158

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION SERVICES CONTRACT WITH LAND OF THE SUN, INC. DOING BUSINESS AS FLETCHER GRADING CONTRACTORS FOR THE CONSTRUCTION SERVICE NECESSARY FOR THE WESTWOOD STORM DRAINAGE IMPROVEMENTS

WHEREAS, the City of Asheville has the authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Westwood Road Storm Drainage Improvement Project; and

WHEREAS, the City of Asheville has a Stormwater Utility Fund designated to implement stormwater capital projects; and

WHEREAS, the City of Asheville did advertise and receive bids from qualified contractors to perform the construction activity outlined in the approved documents for the Westwood Road Storm Drainage Improvement Project and the City of Asheville determined that Fletcher Grading Contractors, LLC and their bid of $306,215 as the low responsible and responsible bidder;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter a contract with Land of the Sun, Inc. doing business as Fletcher Grading Contractors for the construction services necessary to complete the Westwood Road Storm Drainage Improvements for $306,215 and to enter into change orders to this contract not to exceed 15% of the original contract or $45,932.

Read, approved and adopted this the 22th day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

279

RESOLUTION NO. 14-159

RESOLUTION AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AND AMMENDMENT TO THE EXISTING CONTRACT WITH THE N.C. DEPT. OF ENVIRONMENTAL AND NATURAL RESOURCES DIVISION OF WATER RESOURSES TO SUPPLEMENT THE CURRENT CONTRACT IN ORDER TO COMPLETE THE DESIGN, PERMITTING, PROPERTY ACQUISITION AND CONTINUE COORDINATION WITH THE ARMY CORPS OF EGNINEERS FOR THE BILTMORE AVENUE BRIDGE FLOOD MITIGATION PROJECT

WHEREAS, the City of Asheville has the authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Hurricane Recovery Act of 2005 (Senate Bill 7) allocated funds for planning and implementation of projects to aid in flood damage reduction for North Carolina Communities hardest hit by the 2004 hurricane season, and

WHEREAS, the Biltmore Village area of the City of Asheville, which lies within the Swannanoa River Watershed, was named as a recipient of this funding; and

WHEREAS, on September 13, 2011, City Council approved an amendment to the original agreement to be executed with NCDENR for an modification to the original contract to include re-allocation and additional funding for flood damage reduction projects at the time totaling $$3,590,139;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager or designee is hereby authorized to execute an amendment to the existing agreement with the N.C. Dept. of Environmental and Natural Resources to supplement the current contract by an additional $750,000 in order to complete the design, permitting, property acquisition and continue coordination with the Army Corps of Engineers for the Biltmore Avenue Bridge Flood Mitigation Project.

Read, approved and adopted this the 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-160

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES CONTACT WITH MCGILL ASSOCIATES FOR THE ENGINEERING SERVICES FOR THE BILTMORE AVENUE BRIDGE FLOOD MITIGATION PROJECT

WHEREAS, the City of Asheville has the authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Hurricane Recovery Act of 2005 (Senate Bill 7) allocated funds for planning and implementation of projects to aid in flood damage reduction for North Carolina Communities hardest hit by the 2004 hurricane season, and

WHEREAS, the Biltmore Village area of the City of Asheville, which lies within the Swannanoa River Watershed, was named as a recipient of this funding; and

WHEREAS, the City of Asheville has received additional funds from Senate Bill 7 in the amount of $750,000 to assist with flood mitigation efforts in Biltmore Village ; and

WHEREAS, the City of Asheville is currently working with McGill Associates on flood mitigation efforts to help reduce flooding in Biltmore Village;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to complete negotiations and enter into the necessary agreements for an amendment to the existing professional services contract with McGill Associates for and additional $297,000 for the engineering services necessary for the completion of the design of the Biltmore Avenue Bridge Flood Mitigation Project to be included in the current contract for the Lake Craig/Azalea Road Project.

Read, approved and adopted this the 22th day of July, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

281

Repealed by Reso 14-193 - 8/26/14

RESOLUTION NO. 14-161

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH SCHNABEL ENGINEERING SOUTH, PC, TO EXPAND THE SCOPE OF SERVICES TO INCLUDE BIDDING AND CONSTRUCTION SERVICES FOR THE NORTH FORK DAM INTAKE TOWER AND CONDUIT REPAIRS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Schnabel Engineering South, PC, was selected by Staff via a Request for Qualifications process to perform engineering services related to the design of the North Fork Water Treatment Plant Dam/Tunnel Project for the proposed amount of $408,190.00 plus a contingency for a total project budget of $428,600.00; and

WHEREAS, the Water Resources Department desires to execute a contract amendment with Schnabel Engineering South, PC, to increase the existing contract in the amount of $302,400.00 for a total project budget of $710,590.00 to expand the scope of services to include bidding and construction services for the North Fork Dam Intake Tower and Conduit Repairs Project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a contract amendment with Schnabel Engineering South, PC, to increase the existing contract in the amount of $302,400.00 for a total project budget of $710,590.00 to expand the scope of services to include bidding and construction services for the North Fork Dam Intake Tower and Conduit Repairs Project.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14 - 162

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR GRANTS OF FEDERAL TRANSPORTATION FUNDING, AND IF SUCCESSFUL, TO ACCEPT SUCH GRANTS AND EXECUTE NECESSARY AGREEMENTS WITH THE METROPOLITAN PLANNING ORGANIZATION OR STATE OR FEDERAL AGENCIES TO ACCEPT THE FUNDING

WHEREAS, pursuant to 160A- 17.1, local governments are authorized to make contracts for, and to accept grants-in-aid and loans from the federal and state governments and their agencies; and

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has opened a call for projects for federal Surface Transportation Program – Directly Attributable (STP-DA) funds and Transportation Alternative Program (TAP) funding sources; and

WHEREAS, the City of Asheville has identified projects that are eligible for this funding; and

WHEREAS, if any of these projects are funded, agreements can be expected to be required from the granting and administering agencies prior to receipt of the grant.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council of the City of Asheville hereby authorizes the City Manager to apply to the French Broad River MPO for STP-DA and TAP funding.

2. The City Council of the City of Asheville hereby authorizes the City Manager to sign and execute agreements between granting or administering agencies and the City of Asheville to accept the grant(s) and approve the projects.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-163

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH UNIFIED A/V FOR RENOVATIONS TO THE CITY OF ASHEVILLE GOVERNMENT CHANNEL AND AUDIO VISUAL SYSTEMS IN THE COUNCIL CHAMBER AND FIRST FLOOR CONFERENCE ROOM

WHEREAS, broadcasting and live streaming government programming, including City Council meetings, contributes to transparent and accessible government;

WHEREAS, current broadcast and audio visual equipment in the Council Chamber and Council's First Floor Conference Room is failing or reaching the end of its useful life; and

WHEREAS, the repairs to the Asheville City Hall Building support and enhance basic City services;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to execute a contract with Unified A/V to design, install and service a high-definition video technology upgrade for the government channel control room, Council Chamber and Council First Floor Conference Room.

Read, approved and adopted this the 22nd day of July, 2014.

Magdalen Bowlson
City Clerk

E Ann E. Mc
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 14-164

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONSTRUCTION CONTRACT WITH BRANTLEY CONSTRUCTION FOR ADDITIONAL CONSTRUCTION CHANGE ORDERS RELATED TO THE U.S. CELLULAR CENTER RENOVATIONS

WHEREAS, the City of Asheville is nearing completion of renovation of the US Cellular Center; and

WHEREAS, Brantley Construction is the Contractor of record for the project; and

WHEREAS, existing building conditions not anticipated in the original construction contract and approved alternates have arisen which require an amendment to the construction contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of Asheville authorizes the City Manager to sign a contract amendment with Brantley Construction for additional construction change orders related to the US Cellular Center renovations in the amount of $11,399.33 for a total contract amount not to exceed $3,006,235.61 for the project.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

285

RESOLUTION NO. 14-165

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH BETSCH ASSOCIATES/ CLARK NEXSEN FOR ADDITIONAL DESIGN SERVICES RELATED TO THE U.S. CELLULAR CENTER RENOVATIONS

WHEREAS, the City of Asheville is nearing completion of renovation of the US Cellular Center; and

WHEREAS, the design team of Betsch Associates/Clark Nexsen is the design team of record for the project; and

WHEREAS, design elements not anticipated in the original scope of services have arisen which require a professional services contract amendment for architectural and engineering design services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of Asheville authorizes the City Manager to sign a contract amendment with Betsch Associates/Clark Nexsen for additional professional design services related to the US Cellular Center renovations in the amount of $7340.00 for a total contract amount not to exceed $1,116,795 for the project.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 14-166

RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPOINTMENTS TO THE 51 BILTMORE CONDOMINIUM ASSOCIATION

WHEREAS, the City is an owner/member of the 51 Biltmore Condominium Association, which owns the property located at 51 Biltmore Avenue, on which the City has constructed and operates a public parking facility as part of a public-private project that includes the Aloft Hotel and property being held for future development; and

WHEREAS, the governing documents of the 51 Biltmore Condominium Association provide for owner/members to appoint one representative to the board of directors, and to make appointments to other boards and committees of the Association; and

WHEREAS, the City needs to appoint a new director to the board of directors of the condominium association;

NOW TEHREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be, and is hereby, authorized to appoint and remove the City representative to the board of directors of the 51 Biltmore Condominium Association, and to make such other appointments and take such other actions as deemed necessary or advisable in order for the City to carry out its responsibilities with respect to the business of the Condominium Association, in accordance with the Association by-laws.

The City Manager shall advise the Council of any such appointments, removals or other actions within a reasonable time.

Read, approved, and adopted this 22nd day of July, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

287

RESOLUTION NO. 14-167

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR 146 ROBERTS STREET (RAD LOFTS)

Whereas, at its meeting on July 22, 2014, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and RAD Lofts LLC for the 146 Roberts Street development; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The public hearing to consider a land use incentive grant for the 146 Roberts Street development is hereby set on August 26, 2014, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-168

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE WITH THE COLBURN EARTH SCIENCE MUSEUM

WHEREAS, the City owns the real estate known as Pack Place Center which has been formally under lease to Pack Place Education, Arts and Science Center, Inc. (PPEASC) since 1988; and

WHEREAS, the current lease with PPEASC ends July 31, 2014; and

WHEREAS, the lease with PPEASC will not be renewed; and

WHEREAS, the Colburn Earth Science Museum, a North Carolina non-profit corporation, currently occupies space as a tenant at Pack Place Center and desires to remain as a tenant for an additional year; and

WHEREAS, the City agrees that the Colburn Earth Science Museum may remain as a tenant for a limited period of time and therefore, negotiated a direct lease with them; and

WHEREAS, pursuant to NCGS 160A-272, this City is authorized to enter into leases of city owned property for such terms and conditions as the council may determine and if the lease term is one year or less, no public notice is required;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor, on behalf of the City of Asheville, is hereby authorized to execute the lease agreement with the Colburn Earth Science Museum for a term of August 1, 2014 - June 7, 2015, and subject to the additional terms and conditions as contained in the agreement.

Read, approved and adopted this 22 day of July, 2014.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

289

RESOLUTION NO. 14- 169

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LONG-TERM LEASE WITH THE ASHEVILLE ART MUSEUM

WHEREAS, the City owns the real estate known as Pack Place Center which has been formally under lease to Pack Place Education, Arts and Science Center, Inc. (PPEASC) since 1988; and

WHEREAS, the current lease with PPEASC ends July 31, 2014; and

WHEREAS, the lease with PPEASC will not be renewed; and

WHEREAS, the Asheville Art Museum, a North Carolina non-profit corporation, currently occupies space as a tenant at Pack Place Center and desires to remain there; and

WHEREAS, the City desires the Asheville Art Museum to remain as a tenant and has therefore, negotiated a direct lease with the Asheville Art Museum,; and

WHEREAS, pursuant to NCGS 160A-272, the City has the authority to enter into leases upon such terms and conditions as the Council determines and for terms of more than 10 years as long as the same procedures as for a sale of property are followed; and

WHEREAS, pursuant to NCGS 160A-279, the sale of a property (or disposition by long-term lease) to entities carrying out a public purpose may be conducted by private sale; and

WHEREAS, pursuant to NCGS 160A-267, disposal of property by private sale (or long-term lease) requires that a notice summarizing the contents of the resolution approving such sale or lease be published once after its adoption and sale or lease cannot be entered into until 10 days after its publication;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A proposal to enter into a lease of space at Pack Place Center with the Asheville Art Museum for a term of 30 years, with two renewal options of ten years each; with payment of nominal annual rental rate and additional consideration in the form of major renovations to be undertaken by AAM, as well AAM contributions to City Managed capital maintenance fund for Pack Place Center; and subject to additional terms and conditions to be approved;

The City Clerk is hereby directed to publish a notice summarizing the contents of the resolution after its adoption;

The Mayor, on behalf of the City of Asheville, be authorized to execute the lease agreement no sooner than 10 days after the resolution is published.

Read, approved and adopted this 22 day of July, 2014.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 14-170

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LONG-TERM LEASE WITH THE DIANA WORTHAM THEATRE

WHEREAS, the City owns the real estate known as Pack Place Center which has been formally under lease to Pack Place Education, Arts and Science Center, Inc. (PPEASC) since 1988; and

WHEREAS, the current lease with PPEASC ends July 31, 2014; and

WHEREAS, the lease with PPEASC will not be renewed; and

WHEREAS, the Diana Wortham Theatre, a North Carolina non-profit corporation, currently occupies space as a tenant at Pack Place Center and desires to remain there; and

WHEREAS, the City desires the Diana Wortham Theatre to remain as a tenant and has therefore, negotiated a direct lease with the Diana Wortham Theatre; and

WHEREAS, pursuant to NCGS 160A-272, the City has the authority to enter into leases upon such terms and conditions as the Council determines and for terms of more than 10 years as long as the same procedures as for a sale of property are followed; and

WHEREAS, pursuant to NCGS 160A-279, the sale of a property (or disposition by long-term lease) to entities carrying out a public purpose may be conducted by private sale; and

WHEREAS, pursuant to NCGS 160A-267, disposal of property by private sale (or long-term lease) requires that a notice summarizing the contents of the resolution approving such sale or lease be published once after its adoption and sale or lease cannot be entered into until 10 days after its publication;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A proposal to enter into a lease of space at Pack Place Center with the Diana Wortham Theatre for a term of 30 years, with two renewal options of ten years each; with payment of nominal annual rental rate and additional consideration in the form of contributions to City Managed capital maintenance fund for Pack Place Center; and subject to additional terms and conditions to be approved;

The City Clerk is hereby directed to publish a notice summarizing the contents of the resolution after its adoption;

The Mayor, on behalf of the City of Asheville, be authorized to execute the lease agreement no sooner than 10 days after the resolution is published.

Read, approved and adopted this 22 day of July, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

291

RESOLUTION NO. 14- 171

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT LEXINGTON AVENUE ARTS & FUN FESTIVAL ON THE DATE OF SUNDAY, AUGUST 31, 2014 FROM 11:00 AM – 9:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Lexington Avenue Arts & Fun Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Lexington Avenue Arts & Fun Festival event area, as set forth on Exhibit A, attached.

   Lexington Avenue Arts & Fun Festival event area is within the boundaries of Lexington Avenue between the intersections of College Street and the I-240 Overpass, Walnut Street between the intersections of Carolina Lane & Rankin Avenue, and Hiawassee between the intersection of Rankin Avenue and Lexington Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for

Lexington Avenue Arts & Fun Festival on Sunday, August 31, 2014 from 11:00 a.m. to 9:00 p.m.;

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Lexington Avenue Arts & Fun Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Lexington Avenue Arts & Fun Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Lexington Avenue Arts & Fun Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Bullion
City Clerk

Mayor

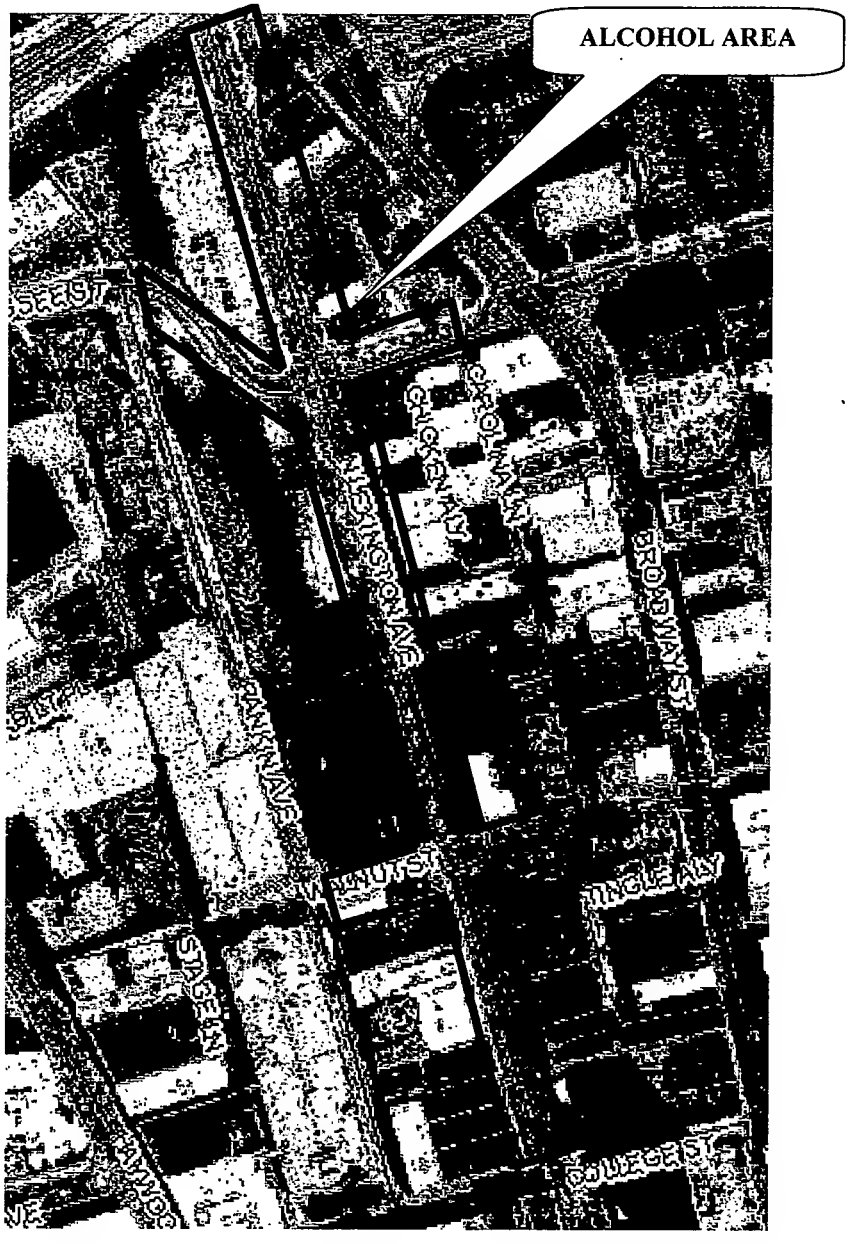
Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

293

Exhibit A



RESOLUTION NO. 14- 172

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON THE DATE OF AUGUST 31, 2014 FROM 12:00 PM – 11:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Cup.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Cup event area, as set forth in Exhibit A, attached.

   The Beer City Cup event area is within the boundaries of Memorial Stadium facility.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Cup on Sunday, August 31, 2014 from 12:00 PM – 11:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Beer City Cup event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be

allowed in the Beer City Cup event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Beer City Cup, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Bowleson
City Clerk

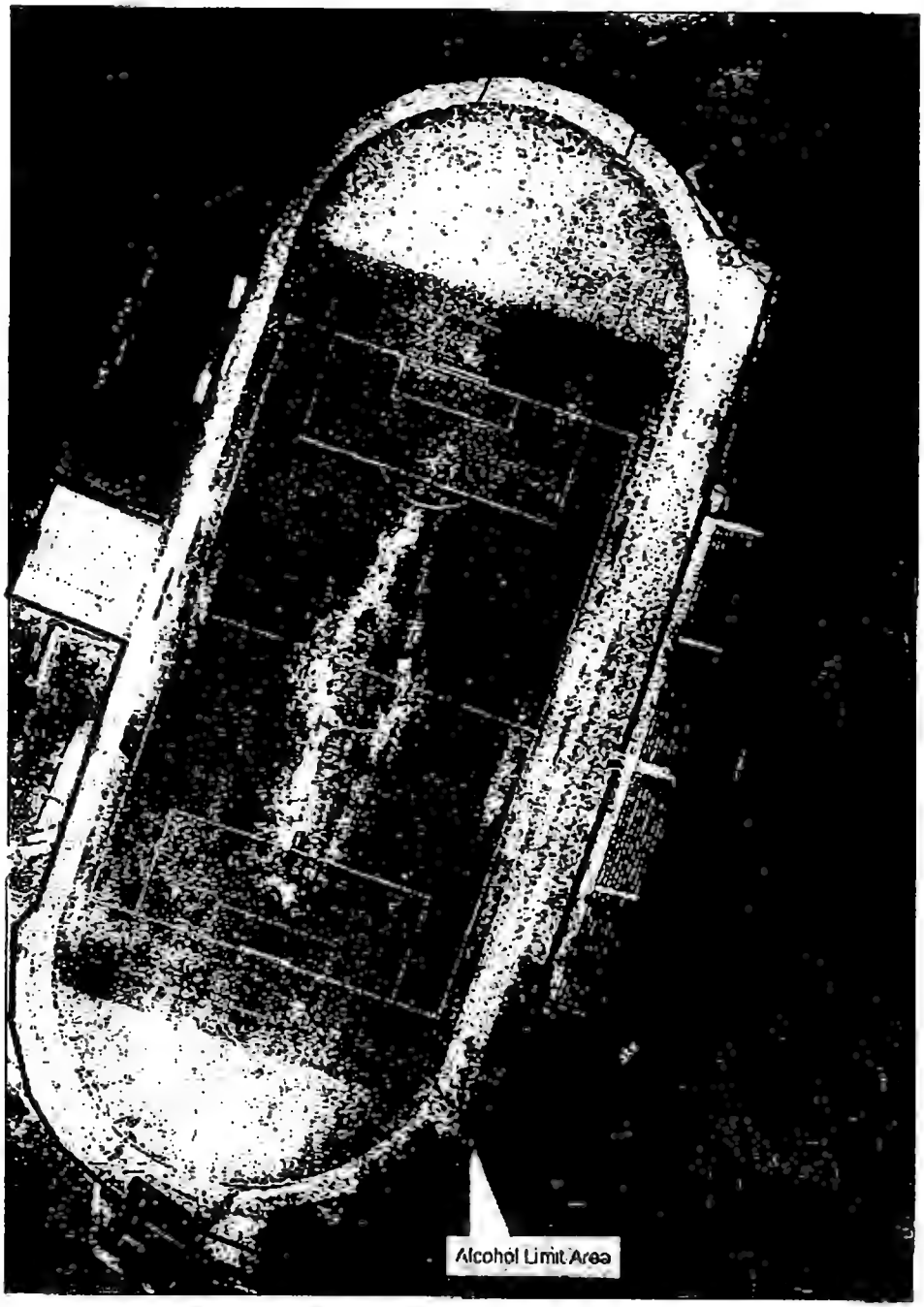
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

EXHIBIT A



Memorial Stadium

297

RESOLUTION NO. 14- 173

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT GOOMBAY ON THE DATES OF FRIDAY, SEPTEMBER 12, 2014 FROM 2:00 PM – 10:00 PM & SATURDAY, SEPTEMBER 13, 2014 FROM 10:00 AM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Goombay.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Goombay event area, as set forth in Exhibit A, attached.

   The Goombay event area is within the boundaries of Pack Square Park's Roger McGuire Green and Reuter Terrace, including South Spruce Street between the intersections of South Pack Square and College Street, and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Goombay on Friday, September 12, 2014 from 2:00 p.m. – 10:00 p.m. and Saturday, September 13, 2014 from 10:00 a.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum

cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Goombay event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed the Goombay event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Goombay, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Burleson
City Clerk

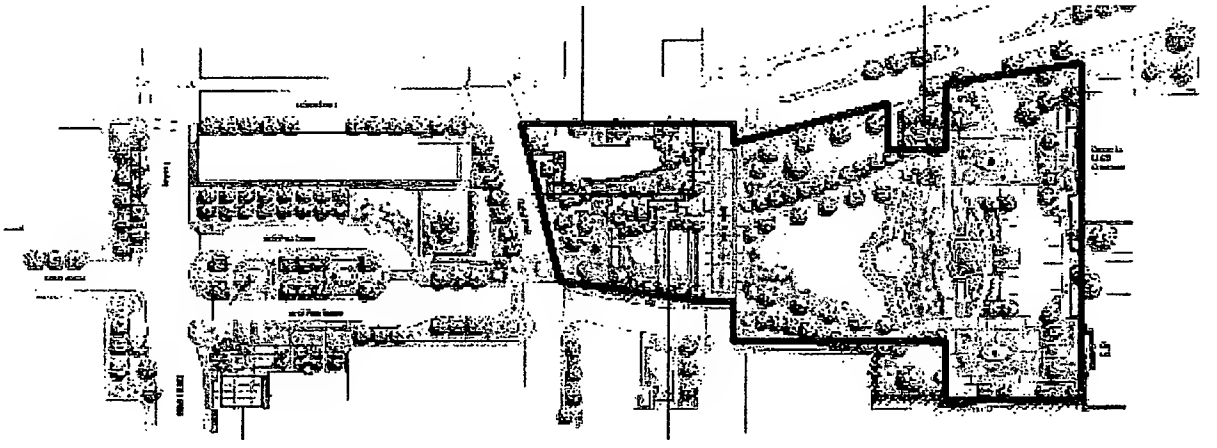
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 14- 174

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOG DAY AFTERNOON ON THE DATE OF SUNDAY, SEPTEMBER 28, 2014 FROM 1:00 PM – 5:00 PM.

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Dog Day Afternoon.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Dog Day Afternoon event area, as set forth on Exhibit A, attached.

   The Dog Day Afternoon event area is within the boundaries of Carrier Park located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Dog Day Afternoon on Sunday, September 28, 2014 from 1:00 p.m. – 5:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Dog Day Afternoon event area. No other possession of open containers of malt beverages and/or unfortified wine or

consumption of malt beverages and/or unfortified wine shall be allowed in the Dog Day Afternoon event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Dog Day Afternoon, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 26 day of August, 2014.

Magdalen Bourleson
City Clerk

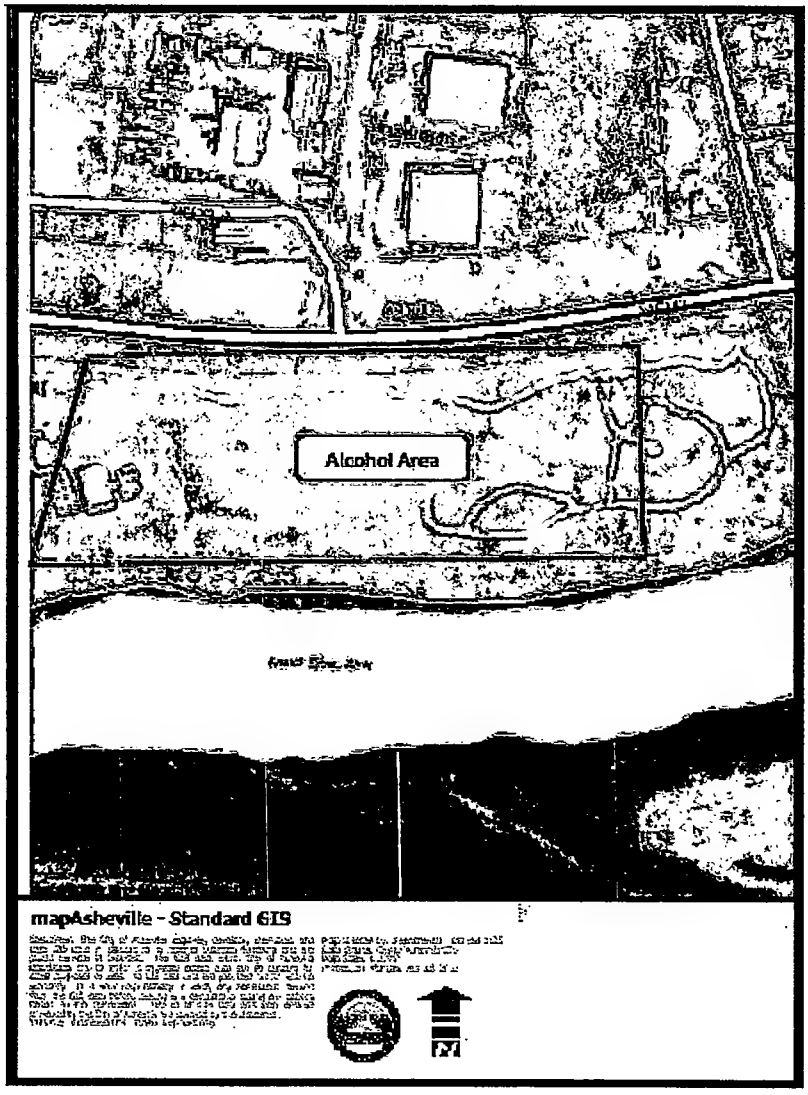
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

Exhibit A



303

RESOLUTION NO. 14-175

RESOLUTION TO SET A PUBLIC HEARING ON OCTOBER 14, 2014, FOR THE CREATION OF A MUNICIPAL SERVICE DISTRICT FOR THE SOUTH SLOPE

WHEREAS, the South Slope is recognized as an up and coming economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the South Slope is critical to all citizens; and

WHEREAS, City Council adopted the Downtown Master Plan in May 2009, which recognized the South Slope as distinct place, and recommended cultivating that distinct place as a major southern gateway to downtown; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536; and

WHEREAS, on May 13, 2014, by Resolution No. 14-100, City Council directed staff to prepare a report for the creation of a Municipal Service District for the south slope;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. A public hearing to consider the creation of a Municipal Service District for the South Slope on October 14, 2014.

Section 2. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 3. Notice of the public hearing shall be given as required by law.

Read, approved, and adopted this 26th day of August, 2014.

Magdalen Bulleson
CITY CLERK

MAYOR

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-176

RESOLUTION TO SET A PUBLIC HEARING ON OCTOBER 14, 2014, FOR THE CREATION OF A MUNICIPAL SERVICE DISTRICT FOR THE RIVER ARTS DISTRICT

WHEREAS, the River Arts District is recognized as an economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the River Arts District is critical to all citizens; and

WHEREAS, City Council adopted the Wilma Dykeman RiverWay Master Plan in June 2004, which recommends significant infrastructure improvements be made to support urban revitalization; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536; and

WHEREAS, on May 13, 2014, by Resolution No. 14-101, City Council directed staff to prepare a report for the creation of a Municipal Service District for the River Arts District;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. A public hearing to consider the creation of a Municipal Service District for the River Arts District on October 14, 2014.

Section 2. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 3. Notice of the public hearing shall be given as required by law.

Read, approved, and adopted this 26th day of August, 2014.

Magdalen Bulleson
CITY CLERK

Esther C. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-177

RESOLUTION TO SET A PUBLIC HEARING ON OCTOBER 14, 2014, FOR THE CREATION OF A MUNICIPAL SERVICE DISTRICT FOR NORTH CHARLOTTE STREET

WHEREAS, the north Charlotte Street corridor is recognized as an economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the north Charlotte Street corridor is critical to all citizens; and

WHEREAS, City Council desires to improve bicycle and pedestrian facilities in the corridor without impairing vehicular access; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536; and

WHEREAS, on May 13, 2014, by Resolution No. 14-102, City Council directed staff to prepare a report for the creation of a Municipal Service District for north Charlotte Street;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. A public hearing to consider the creation of a Municipal Service District for north Charlotte Street on October 14, 2014.

Section 2. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 3. Notice of the public hearing shall be given as required by law.

Read, approved, and adopted this 26th day of August, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. - 14-178

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ADECCO USA, INC. FOR A 1 YEAR CONTRACT FOR IT SERVICES CONTRACT EMPLOYEES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City had a 1 year contract with ADECCO USA, Inc. for IT Services contract employees, and staff recommends a new 1 year contract; and

WHEREAS, the contract provides contract employees for $95,000; and

WHEREAS, the current contract between the City of Asheville and ADECCO USA, Inc. will be expiring and both parties wish to enter into a new 1 year contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with ADECCO USA, Inc. on behalf of the City of Asheville for the purpose of providing contract employees for IT Services in the amount of $95,000 for 1 year, total contract amount of $95,000.

Read, approved and adopted this the 26th day of August, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

307

RESOLUTION NO. - 14-179

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS WITH COPELAND HOLDINGS (CH) SECURITY SERVICES, LLC TO PROVIDE ASHEVILLE CITY HALL ARMED SECURITY GUARDS SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City has a contract effective April 9, 2012, through June 30, 2016 with Copeland Holdings (CH) Security Services, LLC . to provide armed security guard employees; and

WHEREAS, the original contract provides a contract employee for $40,761.30 annually, but effective July 1, 2013, the City requested an additional armed guard be assigned to Asheville City Hall under the current contract; and

WHEREAS, the current contract between the City of Asheville and Copeland Holdings (CH) Security Services, LLC total cost of services is approaching City Council review threshold as a result of the agreed upon increase in armed guard service and associated hours;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized sign change orders associated with the Asheville City Hall security contract in the amount up to $61,185 through June 30, 2016.

Read, approved and adopted this the 26th day of August, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-180

RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE CONTRACT WITH CAVANAUGH & ASSOCIATES, P.A., FOR THE NON-REVENUE WATER PROGRAM

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Cavanaugh & Associates, PA, was selected by Staff and approved by City Council on August 13, 2013, for the Non-Revenue Water (NRW) Management project in the amount of $151,925.00; and

WHEREAS, City Staff desire continued guidance from Cavanaugh & Associates over the next 13 months to complete development of a comprehensive non-revenue water program that will continue to reduce the Department's overall non-revenue water percentage.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to renew the contract with Cavanaugh & Associates, P.A., for an amount of $93,520.00 and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

309

RESOLUTION NO. 14-181

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STEWART INC. FOR THE DESIGN AND CONSTRUCTION DRAWINGS FOR THE FRENCH BROAD RIVER GREENWAY AND AMBOY BRIDGE CONNECTION FOR THE CITY OF ASHEVILLE.

WHEREAS, the City of Asheville has authority pursuant to Article 3, Section 160A-20.1 of the North Carolina General Statutes to enter into contracts with private entities; and

WHEREAS, N.C.G.S. 143-64.31 requires N.C. local governments to announce all requirements for architectural, engineering and surveying services; and

WHEREAS, the City issued a Request for Qualifications (RFQ) to engage an external consultant to develop the design and construction drawings for the French Broad River Greenway and Amboy Bridge connection; and

WHEREAS, after reviewing the Responses to the RFQ submitted by eleven companies, City staff recommends that the City enter into a contract with Stewart, Inc.; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract with Stewart, Inc. for the development of design and construction drawings for the French Broad River Greenway and Amboy Bridge connection.

Read, approved and adopted this the 26th day of August, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION 14- 182

RESOLUTION AMENDING THE CITY OF ASHEVILLE'S LAND USE INCENTIVE POLICY (FORMERLY TRANSFORMATIONAL DEVELOPMENT PROJECTS INCENTIVE POLICY)

WHEREAS, pursuant to N.C. Gen. Stat. § 158-7.1, the City is authorized to make appropriations for the purposes of aiding and encouraging the location of manufacturing enterprises, making industrial surveys, and locating industrial and commercial plants in or near the City; encouraging the building of railroads, or other purposes which, in the discretion of the City Council, will increase the population, taxable property, agricultural industries, and business prospects of the City; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-456, the City of Asheville is authorized to appropriate and expend funds for community development programs and activities, including funds for housing for low and moderate income persons; and

WHEREAS, the Asheville City Council first adopted the Transformational Development Projects Incentive Policy by Resolution No. 10-240 on November 9, 2010 and amended this Policy by Resolution No. 11-50 on March 8, 2011 and by Resolution No. 12-9 on January 10, 2012; and

WHEREAS, the Asheville City Council believes it is important to support development that furthers the public purposes encompassed in the major elements of the Council's Strategic Plan and the City's 2025 Comprehensive Plan and other adopted plans, including the provision of work force and affordable housing and/or green development and energy saving projects; and

WHEREAS, the Asheville City Council believes it is necessary to modify and clarify the City's existing Land Use Incentive Policy ("LUIP") in order to further encourage the use of the LUIP and to more specifically set forth the requirements and considerations for Council approved appropriations for affordable housing and green development under the statutory authority listed above;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The title of the "Transformational Development Projects Policy" be formally changed to the "Land Use Incentive Policy."
2. The City's Land Use Incentive Policy adopted on November 9, 2010 (Resolution No. 10-240) is hereby revised as shown on Exhibit A, attached hereto and incorporated here by reference.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A

LAND USE INCENTIVE POLICY
AS AMENDED AUGUST 26, 2014

Authority and Purpose:

This policy is approved pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 and is intended to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville. These public purposes include the following, which are also principal components of the City's annual strategic goals and other adopted plans: 1) the development of affordable and workforce housing; and/or 2) the encouragement of development which incorporates "green" building and furthers energy savings. This Policy will serve to, among other things, increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456.

Process and City Council Review:

The City Council will review applications which seek grants under this Policy according to the requirements and procedures set forth in N.C. Gen. Stat. § 158-7 and § 160A-456, and those which are set forth herein. The Council's decision as to whether to allow a Land Use Incentive Grant, and the amount of any Grant which is allowed, is completely within the discretion of the City Council. In no event is an applicant ever entitled to a grant under this Policy, but instead, the City Council has complete discretion to decide which projects best achieve the goals and objectives of this Policy.

The City Staff will evaluate Land Use Incentive Grant applications submitted pursuant to this Policy for compliance with, among other things, this Policy's requirements and goals, and the City's adopted Strategic Plan and any other applicable City plans. The Staff will also evaluate the number of potential points which a project could achieve under the Policy, and will then provide a report to the City Council, with a recommendation based upon the foregoing analysis.

The Housing and Community Development Committee ("HCD") of the City Council will review the staff assessment and make a recommendation to the full Council.

Following the HCD review, the City Council will hear the staff assessment report and the Applicant's request and set a public hearing. Following the public hearing, the Council will make a discretionary determination as to whether to award the requested Grant, and the amount of any Grant awarded, based on its overall evaluation of the submitted project, not just the number of points.

Section I - Requirements

The following are requirements, which must be met in order for the City Council to consider a Land Use Incentive Grant application. Applications which do not meet these minimum requirements are not permitted to request a Grant or participate in this Policy.

- The proposed development must receive Energy Star Certification;
- There must be 20% equity participation by the party requesting the Land Use Incentive Grant;
- The proposed development must consist of two or more dwelling units; and
- The proposed development must be located inside the city limits and must be located within 1/4 mile of the following major highways: Patton Avenue, Hendersonville Road, Sweeten Creek Road, Tunnel Road, Haywood Road, Merrimon Avenue, New Leicester Highway, Brevard Road, Riverside Drive/Meadow Road, Schenck Parkway, and Long Shoals Road (from the intersection with Hendersonville Road to the intersection of Clayton Road).

Section II – Point System

The following point system is a tool which is intended to guide the City Council in deciding whether to allow a Grant under this Policy and in addition, if a Grant is approved, to determine the actual amount of the Grant. Because the point system is only a guide, the City Council is authorized to allow more or less points on any particular factor, depending upon, among other things, the characteristics, and potential benefits and/or detriments of an individual project.

Public Benefit Element	Points
Green Building/ Energy	
Energy Star Certified	5
Leed Bronze or HB Silver	10
Leed Silver or HB Gold	20
Leed Gold or HB Platinum	30
Leed Platinum	40

No funds can be granted until the designated certification is achieved.

Affordable Housing

Must agree to 10 year affordability criteria for rents at 80% of area medium income:

10%+ affordable	10
20%+ affordable	20
30%+ affordable	30
40%+ affordable	40

There must be an annual report provided to the City demonstrating the continuing affordability of the designated dwellings for the 10 years of affordability.

Workforce Housing

Must agree to 10 year affordability criteria for rents at 120% of area medium income:

25%+ workforce	5
50%+ workforce	10
75%+ workforce	15

There must be an annual report provided to the City demonstrating the continuing affordability of the designated dwellings for the 10 years of affordability.

Mixed Use and Transit Orientation

Includes a minimum 20% non-residential	5
Within the Sustainability Bonus area	5
Brownfield Redevelopment	5

Public Benefit Element	5	10	15	20	30	40	0
Energy Star Certified	x						
Leed Bronze/ Healthy Built Silver		x					
Leed Silver/ Healthy Built Gold				x			
Leed Gold/ Healthy Built Platinum					x		
Leed Platinum						x	
10%+ Affordable		x					
20%+ Affordable				X			
30%+ Affordable					x		
40%+ Affordable						x	
25%+ Workforce	x						
50%+ Workforce		X					
75%+ Workforce			x				
Mixed-Use (20% non-residential)	x						
Located w. in Sustainability Bonus area	x						
Brownfield Redevelopment	x						

Section III- Other Procedures, Considerations and Potential Amount of Land Use Incentive Grant

- Approval of a Land Use Incentive Grant under this Policy will require a public hearing and approval by the City Council, per N.C. Gen. Stat. § 158-7.1.
- Unless granted an exemption from the City Council, no Grant will be allowed under this

Policy for projects which have received building permits.

- Every 10 points can earn one year of economic incentive (equivalent to City property taxes in excess of currently assessed taxes for one year annually applied, *to be dated from the date of release of all occupancy permits and certification of* all *green building/energy standards designated for the project).*

- Every 10 points can also earn a 10% reduction in the following fees and charges: Zoning Permit, Building Permit, Driveway Permit, Grading Permit, Plan review fees and Water service connection fee. *This reduction is in addition to the existing fees rebated for affordable housing projects.* Affordable housing projects eligible for the 50% fee waiver are not eligible for additional fee waivers for points garnered for housing affordability, although they can benefit from the "green" additional points;

- Any project receiving an incentive related to provision of affordable or workforce housing must provide an annual report to the City for the 10 years that the designated dwelling units must remain at that level of affordability. The report must demonstrate the continued affordability of the units, or the tax rebate incentive must be returned to the City.

For more information, contact:

Jeff Staudinger, Community Development Director 828-259-5723

RESOLUTION NO. 14- 183

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ASHEVILLE HUMANE SOCIETY FOR ANIMAL SHELTER SERVICES FROM JULY 1, 2014 THROUGH JUNE 30, 2015

WHEREAS, pursuant to N.C.G.S. 5 160A-493 states that the City may contribute to the support of an animal shelter; and

WHEREAS, pursuant to N.C.G.S. 5 160A-20.1, the City has authority to contract with private entities in order to carry out any public purpose; and

WHEREAS, the City Council has determined that it is in the public interest to provide animal shelter services for the City of Asheville; and

WHEREAS, the amount of the Agreement is $230,004 and the monies have been budgeted in the Asheville Police Department's FY 14-15 budget;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with the Asheville Humane Society to provide animal sheltering services for the City of Asheville for the FY 2014-2015 for $230,004.

Read, approved and adopted the 26th day of August, 2014.

Magdalen Bullerson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullerson
City Clerk

RESOLUTION NO. 14-184

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DR. PAUL MARTIN, MD, DBA ASHEVILLE ADDICTION CONSULTANTS, PA FOR PHYSICIAN SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the under the purview of the City Manager, the Human Resources Department contracts with Dr. Paul Martin for professional physician services for employees and their dependents in the Health Services division; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertized the requirements for the professional services project and awarded the project to the best qualified firm; and

WHEREAS, the amount of the Agreement is $120,000.00 and the monies have been budgeted in the Health Care Fund Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Dr. Paul Martin, MD, DBA Asheville Addiction Consultants, PA for $120,000 for physician services and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 26th day of August, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-185

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE SECOND YEAR AND THIRD YEAR OF MASTER CONTRACT NUMBER. 9140015 WITH RIVERSIDE STUMP DUMP INC.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville has a need to dispose of brush and leaves; and

WHEREAS, the City Manager is authorized to enter into the second year and third year of master contract number 91400115 with Riverside Stump Dump Inc.; and

WHEREAS, Fiscal Year 2015 is a not to exceed amount of $97,400 and has been identified in the Fiscal Year 2015 budget; and

WHEREAS, Fiscal Year 2016 is based on approved budget in a not to exceed amount of $97,400 for master contract number 91400115;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to enter into a contract for the second year and third year of master contract number 91400115, in the amount not to exceed $194,800

Read, approved and adopted this 26th day of August, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-186

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC AND TO EXECUTE ANY CHANGE ORDERS THAT ARE REQUIRED TO PROVIDE FULL SIDEWALK MAINTENANCE SERVICE FOR THE FULL FISCAL YEAR FOR THE PROJECT KNOWN AS CONCRETE REPAIR – MAINTENANCE AND ADA IMPROVEMENTS, CITY OF ASHEVILLE PROJECT # ENG-14-15-001

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Concrete Repair – Maintenance and ADA Improvements, City of Asheville Project # ENG-14-15-001; and

WHEREAS, Patton Construction Group, Inc. of Arden, NC was the lowest responsible bidder for the project, in the amount of $195,475, and

WHEREAS, the project involves the Repair of Concrete Infrastructure that has Been Damaged or is in Need of Maintenance; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $195,475 with Patton Construction Group, Inc., and to execute any change orders that are required to provide full sidewalk maintenance service for the full fiscal year.

Read, approved and adopted this the 26th day of August, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-187

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A JOINT AGREEMENT WITH THE BOARD OF TRUSTEES OF ASHEVILLE -BUNCOMBE TECHNICAL COMMUNITY COLLEGE AND BUNCOMBE COUNTY TO EXPAND THE COMMUNITY COLLEGE'S LAW ENFORCEMENT JURISDICTION

WHEREAS, pursuant to N.C. Gen. Stat. § 115D-21.1(a), the Board of Trustees of an institution of any community college in North Carolina that has a law enforcement agency established pursuant to N.C. Gen. Stat. § 115-21.1(b) may enter into a joint agreement with the governing board of a municipality where the college is located in order to expand the community college's law enforcement jurisdiction; and

WHEREAS, Asheville-Buncombe Technical Community College ("AB Tech") has a law enforcement agency that meets the requirements of Chapter 17C of the North Carolina General Statutes and is established pursuant to N.C. Gen. Stat. § 115-21.1; and

WHEREAS, Buncombe County owns real property located in proximity to AB Tech's campus, identified as PIN# 9648-33-4217, and more particularly described in Deed Book 5188, Page 994, of the Buncombe County Registry; and

WHEREAS, the Board of Trustees of AB Tech and Buncombe County wish to enter into a joint agreement allowing the AB Tech Police Department limited jurisdiction within the City of Asheville, on Buncombe County property;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor for the City of Asheville is hereby authorized to enter into a joint agreement with Asheville Buncombe Technical Community College and Buncombe County to allow the Asheville Buncombe Technical Community College Police Department to have limited jurisdiction to perform law enforcement activities and have the powers of arrest as stated in N.C.G.S. § 15A-401, on real property described as Pin # 9648-33-4217, and more particularly described in Deed Book 5188 at Page 994 of the Buncombe County Registry.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-188

RESOLUTION AUTHORIZING THE CITY MANAGER SUBMIT A GRANT APPLICATION TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR THE 2014 TOURISM PRODUCT DEVELOMENT FUND CYCLE

WHEREAS, the Buncombe County Tourism Development Authority opened their 2014 grant funding cycle in May 2014; and

WHEREAS, the City of Asheville has identified a riverfront destination development project that will add new and incremental room nights and meets the goals and requirements iterated by the grant guidelines; and

WHEREAS, City Council has identified implementation of riverfront redevelopment capital improvement projects as a key strategic goal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to submit a grant application to the Buncombe County Tourism Development Authority for the 2014 Tourism Product Development Fund cycle.

Read, approved and adopted this the 26nd day of August, 2014.

Magdalen Bullock
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

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RESOLUTION NO. 14-189

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ESRI, INC. FOR A 3 YEAR CONTRACT FOR GIS SOFTWARE MAINTENANCE

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. sec. 160A-20.1 to enter into contracts with private entities to perform any authorized functions; and

WHEREAS, the City had a 3 year contract with ESRI, Inc. for GIS software maintenance, and staff recommends a new 3 year contract; and

WHEREAS, the software maintenance contract provides for a fixed rate maintenance cost for the next 3 years; and

WHEREAS, the current contract between the City of Asheville and ESRI, Inc. will be expiring and both parties wish to enter into a new 3 year contract for maintenance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with ESRI, Inc. on behalf of the City of Asheville for the purpose of providing a fixed rate maintenance contract for GIS software in the amount of $50,000 per year for the next 3 years, total contract amount of $150,000.

Read, approved and adopted this the 26th day of August, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-190

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE CITY OF ASHEVILLE BEING IDENTIFIED AS THE DESIGNATED RECIPIENT FOR SECTION 5310 FUNDS

WHEREAS, MAP 21 consolidated Elderly and Disabled (Sec. 5310) and New Freedom (Sec. 5317) programs into a single program; and

WHEREAS, the program provides additional funds for projects that serve the special needs of transit-dependent populations beyond traditional public transportation services; and

WHEREAS, the program requires the designation of a recipient to administer the program and oversight and distribute funds among eligible entities; and

WHEREAS, the City of Asheville, is the designated recipient of all the other Federal Transit Administration programs in the FBRMPO region; and

WHEREAS, the funds allocated to fulfill some of these needs will benefit the region.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council authorizes the Mayor to accept the City of Asheville being identified as the designated recipient for Section 5310 Funds.

Read, approved and adopted this the 26th day of August, 2014.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Brian Clem
City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-191

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOTOROLA, INC. FOR RADIO SYSTEM MAINTENANCE FROM AUGUST 1, 2014 THROUGH JULY 31, 2015

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the N. C. General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City requires maintenance coverage of its radio communications system; and

WHEREAS, the radio equipment for which warranty has expired during the past year needs to be incorporated into the service agreement; and

WHEREAS, the service renewal agreement provides for a fixed rate maintenance cost per unit of equipment for another one year period; and

WHEREAS, the City of Asheville and Motorola, Inc. wish to renew the service agreement and incorporate that radio equipment for which the warranty has expired;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with Motorola, Inc. on behalf of the City of Asheville for the purpose of maintaining the City's radio communications system and associated equipment.

Read, approved and adopted this the 26th day of August, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. - 14-192

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING 227.94 SQUARE FEET OF AIR RIGHTS LOCATED AT 56 S. LEXINGTON AVENUE

WHEREAS, the City of Asheville owns certain property adjacent to 56 S. Lexington Avenue, being the sidewalk within the right of way of S. Lexington Avenue; and

WHEREAS, pursuant to N.C.G.S. 160A-273, the City has the authority to grant air rights over public right-of-way for the purpose of erecting a building or other permanent structure; and

WHEREAS, on August 4, 2014 , a qualifying offer was received from King James Properties, LLC to purchase 227.94 square feet of air space conditional to the construction of a permanent balconies on a proposed building at 56 S. Lexington Avenue, in the amount of $1,550; and

WHEREAS, the conveyance of said air rights are conditional on the formal approval of the development plans for the project located at this parcel;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell approximately 227.94 square feet of air rights located at 56 S. Lexington Avenue to King James Properties, LLC. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder of the purchase price of $1,550. Per the statute, the Council may at any time reject any and all offers.

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey aforementioned property to the King James Properties, LLC. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 26th day of August 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14-193

RESOLUTION AMENDING RESOLUTION NO. 13-42 DATED MARCH 12, 2013, TO INCLUDE THE BIDDING AND CONSTRUCTION SERVICES IN THE EXEMPTION FROM THE ARCHITECTURAL, ENGINEERING AND SURVEYING ANNOUNCEMENT REQUIREMENT OF NCGS §143-64.31 FOR THE NORTH FORK DAM INTAKE TOWER AND CONDUIT REPAIRS PROJECT AND REPEALING RESOLUTION NO. 14-161

WHEREAS, NCGS §143-64.31, requires North Carolina local governments to announce all requirements for architectural, engineering, and surveying services; and

WHEREAS, NCGS §143-64.32, authorizes a unit of local government, in its sole discretion, to exempt particular projects from the announcement requirements of NCGS §143-64.31, stating the reasons and the circumstances attendant thereto; and

WHEREAS, Schnabel Engineering South, PC, is an expert engineering firm uniquely familiar with the City's dams at the water treatment plants as the City's Water Resources Department has used Schnabel Engineering for several years to inspect the dams at the water treatment plants, make recommendations for repairs or improvements, and perform the scope of services needed for the North Fork Water Treatment Plant Dam/Tunnel Evaluation & Repairs Project; and

WHEREAS, based on past successful experience, Schnabel Engineering is the most qualified firm to perform the scope of services needed for the North Fork Water Treatment Plant Dam/Tunnel Evaluation & Repairs Project Engineering bidding and construction services for the Outlet Works Conduit Rehabilitation due to their extensive knowledge of the City's dams at the water treatment plants; and

WHEREAS, by Resolution No. 13-42, adopted on the 12th day of March, 2013, the Asheville City Council exempted the North Fork Water Treatment Plant Dam/Tunnel Evaluation and Repairs Project from the announcement requirement of NCGS 143-64.31 and authorized that the contract be awarded to Schnabel Engineering South, PC; and

WHEREAS, Resolution No. 13-42, inadvertently excluded the bidding and construction services phase;

WHEREAS, it is the intent of this resolution to amend resolution no. 13-42 to include bidding and construction services to the March 12, 2013, exemption, retroactive to March 12, 2013;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Pursuant to NCGS §143-64.32(b), Resolution No. 13-42 dated March 12, 2013, is amended to include the bidding and construction services for the North Fork Dam Intake Tower and Conduit Repairs portion of the project known as the "North Fork Water Treatment Plant Dam/Tunnel Evaluation & Repairs Project," exempt the bidding and constructions services portion of said project from the announcement requirement of NCGS §143-64.31, due to the extensive experience, knowledge, qualification, and

expertise possessed by Schnabel Engineering South, PC, of the City of Asheville dams at the water treatment plants, retroactive to March 12, 2013.

2. The City Manager is hereby authorized to execute a professional engineering services agreement with Schnabel Engineering South, PC, for the proposal amount of $302,400.00 for bidding and construction services for said project and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

3. Resolution No. 14-161 adopted on July 22, 2014, is hereby repealed.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-194

RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, the term of John Ellis, as a member of the Buncombe County Tourism Development Authority, (individual who is involved in the tourist business and who has demonstrated an interest in tourism development but who does not own or operate a hotel, motel or other taxable tourist accommodation), will expire on August 30, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. John W. Ellis, 7 Aspen Way, Asheville, N.C., be and he is hereby reappointed, as a member of the Buncombe County Tourism Development Authority (as the individual who is involved in the tourist business and who has demonstrated an interest in tourism development but who does not own or operate a hotel, motel or other taxable tourist accommodation), to serve an additional three year term, term to expire August 30, 2017, or until his successor has been appointed.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-195

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT FOR RAD LOFTS LLC AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND USE INCENTIVE PROGRAM AGREEMENT

WHEREAS, pursuant to NCGS sec. 158-7.1, the City of Asheville is authorized to make appropriations for economic development which will, in the discretion of the Council, increase the population and taxable property and achieve other public purposes, and to enter into appropriate agreements setting out the terms and conditions of economic development projects for which appropriations are made; and

WHEREAS, pursuant to NCGS sec. 160A-456, the City of Asheville is authorized to appropriate and expend funds for community development programs and activities, including providing funds to assist low and moderate income persons;

WHEREAS, The City Council of Asheville believes it is important to support development projects that achieve goals set forth in their annual strategic goals, the City's Comprehensive Plan and other adopted plans, including the provision of workforce and affordable housing and/or green development; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the RAD Lofts development represents the type of project envisioned for support within those goals and the LUIP; and furthers public purposes, and the goals and objectives of the LUIP and N.C. Gen. Stat. § 158-7.1 and § 160A-456 by providing for affordable and workforce housing and energy saving development, which in turn will serve to increase the tax base and population and business prospects of the City: and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City Council, the RAD Lofts development located at 146 Roberts Street will be a 209 unit multi-family rental development project that is located in close proximity to transit lines, and will fulfill an important public purpose, in that it will provide 198 units of workforce housing (defined as rents that require payment of no more than 30% of gross income for a household with an income at or below 120% of the area median income), and 11 units of affordable housing (defined as rents that require payment of no more than 30% of gross income for a household with an income not exceeding 80% of the area median income), and will achieve certification as an Energy Star ™ development, and will be a mixed-use development with 48,500 square feet of commercial space; and will be located within one-eighth of a mile of a public transit route; and will be built on land that has been designated as a brownfield; and

WHEREAS, the developers of the RAD Lofts development have demonstrated to the satisfaction of the City Council that they have substantial and sufficient private equity participation in the project; and

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WHEREAS, the RAD Lofts development has been determined by City Council to meet the eligibility requirements of the LUIP;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council hereby agrees to enter into a Land Use Incentive Agreement with RAD Lofts LLC to support the development of the RAD Lofts project. The estimated annual land use incentive grant would be the difference between the current City tax and the estimated post-completion City tax currently estimated to be $144, 892, the exact amount to be determined by the actual assessed value of the development upon completion. The grant is approved for a period of 5 years and a 50% fee rebate is approved.
2. The City Manager s hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 26h day of August, 2014.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-196

RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, the terms of John West, Carol Ann Lydon and Flora Marr, as members on the Civic Center Commission, expired on June 30, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Yvonne Cook-Riley, 5 Manila Street, Asheville, N.C., be and she is hereby appointed to the Civic Center Commission, to serve a three year term, term to expire June 30, 2017, or until her successor has been appointed.

Ms. Carol Ann Lydon, 10 Bent Oak Lane, Asheville, N.C., be and she is hereby reappointed to the Civic Center Commission, to serve an additional three year term, term to expire June 30, 2017, or until her successor has been appointed.

Mr. Bill Russell, 92 Rumbough Place, Asheville, N.C., be and he is hereby appointed to the Civic Center Commission, to serve a three year term, term to expire June 30, 2017, or until his successor has been appointed.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 14-197

RESOLUTION FOR THE SUBMISSION OF LEGISLATIVE ADVOCACY PROPOSALS TO THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES

WHEREAS, the 2015 regular session of the North Carolina general Assembly will convene on January 14, 2015; and

WHEREAS, the City of Asheville is a member of, and works closely with, the North Carolina League of Municipalities on matters of legislative affairs in North Carolina; and

WHEREAS, the League of Municipalities has established a process by which member municipalities may propose legislative advocacy goals for the review and approval of the entire membership; and

WHEREAS, the Asheville City Council has identified certain matters of local and State-wide interest where legislative action is needed or desired;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The "Legislative Advocacy Proposal for the North Carolina League of Municipalities for 2015," attached hereto as Exhibit A, is hereby adopted.

The City Manager is hereby directed to transmit this proposal to the North Carolina League of Municipalities.

The City Council offers the City's assistance to the League of Municipalities with respect to any items listed on Exhibit A, including the provision of additional information.

BE IT FUTHER RESOLVED that the Asheville City Council expresses its thanks and appreciation to the League of Municipalities for their service on behalf of the City of Asheville and the state of North Carolina.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

EXHIBIT A

Legislative Advocacy Proposal for the North Carolina League of Municipalities for 2015

In order to participate in the development of N.C. League of Municipalities' legislative advocacy program for the 2015 session of the N.C. general assembly, the City of Asheville proposes the following items for consideration:

- Stormwater: Preserve municipal authority to regulate environmental standards such as erosion control or stormwater quality

- Municipal operations: Support measures which maximize the ability of local governments to provide and manage high quality services to meet the needs of the community. This includes but is not limited to utilities, enterprise funds, etc.

- Regulation of car sharing services: Grant municipalities the authority to regulate digital dispatching services

- Aesthetic and design controls: Preserve municipal ability to regulate design and aesthetic controls in historic districts

- Preserve municipal fiscal health: Identify means to generate increased revenues for public education and transportation infrastructure without impacting municipalities' dwindling revenue

- Restore lost revenues: Restore revenue lost due to the repeal of Privilege License Tax authority

- Restore economic development incentives with impact on local economies: Restore programs such as film tax credits and historic building tax credits

- Coal ash: Seek legislation that strengthens the requirements for the appropriate clean up and disposal of coal ash in coal ash ponds that is equitable to rate payers (see Exhibit B)

- Graffiti vandalism: Seek to strengthen and/or clarify current state law to more effectively deter and punish perpetrators who damage property, such as by committing vandalism with graffiti, with punishment not to exceed misdemeanor

- Clarify laws related to public toplessness: Clarify laws related to public toplessness including, but not limited to, clarification of indecent exposure law, N.C.G.S. 14-190.9

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EXHIBIT B

RESOLUTION NO. 13-174

RESOLUTION ENCOURAGING DENR AND DUKE ENERGY PROGRESS TO TAKE EXPEDIENT AND APPROPRIATE ACTION TO DEAL WITH THE IMPACT OF COAL ASH LEACHATE AT THE DUKE ENERGY FACILITY

WHEREAS, a draft Consent Order has been negotiated with Duke Energy Progress by the Department of Environment and Natural Resources (DENR) concerning pollution of the French Broad River and its watershed caused by coal ash lagoons at the company's Asheville, NC facility; and

WHEREAS, the City of Asheville depend on the French Broad River and the groundwater in its watershed as critical assets supporting our economy and our quality of life; and

WHEREAS, DENR is accepting comments regarding the draft consent order between Duke Energy Progress and DENR; and

WHEREAS, the City is grateful for DENR's commitment to enforcing North Carolina law to protect these values by initiating an enforcement action against Duke Energy Progress. Any ongoing contamination of the French Broad and the groundwater that flows into it from any source is of paramount concern to our City; and

WHEREAS, the City recognizes the importance and value of continued monitoring and information gathering, but concerned that the draft consent order sets no deadline for completion of the requested studies; and

WHEREAS, the City request that DENR continue to enforce the laws of North Carolina, so as to require a prompt solution to address any contamination deemed to be coming from Duke Energy's coal ash lagoons in Asheville; and

WHEREAS, the City recognizes the vital nature of the Asheville Plant in ensuring reliable electricity for the region, the City of Asheville calls on Duke Energy Progress to find a permanent solution that provides the best possible protection from the coal ash lagoons along the banks of the French Broad River.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

This Resolution be entered into the record of the DENR public comment record and considered in the negotiations of the final consent order.

This Resolution is effective upon adoption.

Read, approved and adopted this 13th day of August, 2013

Deputy City Clerk

Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 14-198

RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, Dr. Lamar Hylton has resigned as a member of the African American Heritage Commission, thus leaving a vacancy until July 1, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Alfred J. Whitesides Jr., 17 West Haith Drive, Asheville, N.C., be and he is hereby appointed as a member to the African American Heritage Commission, to serve the unexpired term of Dr. Hylton, term to expire July 1, 2016, or until his successor has been appointed.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-199

RESOLUTION APPOINTING MEMBERS TO THE CITIZENS/POLICE ADVISORY COMMITTEE

WHEREAS, the terms of Carol Rogoff Hallstrom (North representative), Larry Holt (Central representative), Allen Brailsford (West representative) and Debbie Applewhite (east representative) will expire on June 30, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Carol Rogoff Hallstrom, 122 Westwood Road, Asheville, N.C., be and she is hereby reappointed as the North area representative on the Citizens/Police Advisory Committee, to serve an additional three year term, term to expire June 30, 2017, or until her successor has been appointed.

Mr. Larry Holt, 21 Haywood Street, Asheville, N.C., be and he is hereby appointed as the Central area representative on the Citizens/Police Advisory Committee, to serve a three year term, term to expire June 30, 2017, or until her successor has been appointed.

Mr. Allen Brailsford, 5 Grandview Drive, Asheville, N.C., be and he is hereby reappointed as the West area representative on the Citizens/Police Advisory Committee, to serve an additional three year term, term to expire June 30, 2017, or until his successor has been appointed.

Ms. Debbie Applewhite, 56 Fairway Drive Asheville, N.C., be and she is hereby reappointed as the East area representative on the Citizens/Police Advisory Committee, to serve an additional three year term, term to expire June 30, 2017, or until her successor has been appointed.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-200

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL

WHEREAS, the term of Tracy Miles, as a member on the Asheville-Buncombe Community Relations Council, expired on December, 2013;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Fyffe Aschenbrenner, 15 Mountainbrook Road, Asheville, N.C., be and she is hereby appointed to the Asheville-Buncombe Community Relations Council, to serve a three-year term, term to expire December 31, 2016, or until her successor has been appointed.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Bullerson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullerson
City Clerk

RESOLUTION NO. 14-201

RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, the terms of Itiyopia Ewart (representing the Transit Subcommittee), Marcia Bromberg (representing the Greenway Subcommittee); and Till Dohse (representing the Bike & Ped Task Force), as members on the Multimodal Transportation Commission, expired on July 1, 2014; and

WHEREAS, Ordinance No. 4314 adopted June 24, 2014, amended the membership of the Multimodal Transportation Commission so that three vacancies will be at-large voting members;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Steven Obremski, 37-A Elderberry Lane, Asheville, N.C., be and he is hereby appointed, as a member of the Multimodal Transportation Commission (at-large member), to serve a three-year term, term to expire July 1, 2017, or until his successor has been appointed.

(2) Mr. John Stuart Ridout, 2406 River Ridge Drive, Asheville, N.C., be and he is hereby appointed, as a member of the Multimodal Transportation Commission (at-large member), to serve a three-year term, term to expire July 1, 2017, or until his successor has been appointed.

(3) Mr. Till Dohse, 66 Montview Drive, Asheville, N.C., be and he is hereby reappointed, as a member of the Multimodal Transportation Commission (at-large member), to serve a three-year term, term to expire July 1, 2017, or until his successor has been appointed.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-202

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A UTILITY RELOCATION AGREEMENT WITH THE PROPERTY OWNERS AT 311 COLLEGE STREET FOR THE RELOCATION AND CONSTRUCTION OF A STORM DRAINAGE SYSTEM TO THE RIGHT OF WAY OF S. CHARLOTTE STREET

WHEREAS, the City has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts with private entities; and

WHEREAS, it was discovered that crossing the real property located at 311 College Street, (Owner) is a failing concrete culvert that collects water from S. Charlotte Street, College Avenue and I-240 and if not repaired could cause substantial damage to said properties; and

WHEREAS, research into the minutes of the Asheville City Council dating back to the early 1920s revealed a City of Asheville (City) recorded easement for the concrete culvert in Deed Book 240 at Page 135 of the Buncombe County Registry; and

WHEREAS, upon further research into the 1920 minutes of the Asheville City Council (Minute Book 22 beginning at Page 256), it was discovered that a storm sewer was constructed and extended by the City to real property located to the rear of the Owner's property, which real property is currently owned by Buncombe County and serves as a Buncombe County parking lot; and

WHEREAS, the Owner's development team provided the City with an engineer's estimate to relocate and reconstruct the failing storm drainage system at a total approximate cost of $490,005.00, at the Owner's initial cost subject to reimbursement by the City for a cost not to exceed 50% of the total cost of construction;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILEL THAT:

1. The City Manager is hereby authorized to execute a Utility Relocation Agreement with the Owners of the property located at 311 College Street, Asheville N.C., for the relocation and construction of a new storm drainage pipe along S. Charlotte Street to replace the failing storm drainage system at a reimbursement cost by the City upon completion not to exceed the budgeted amount.

2. The City Manager is further authorized to execute any and all related documents to effectuate the relocation and construction of the new storm drainage pipe along S. Charlotte Street subject to approval of the City Attorney.

Read, approved and adopted this the 9th day of September, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14-203

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH THOMAS CONSTRUCTION CO. INC., FOR THE HORIZON HILL WATERLINE IMPROVEMENT PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Horizon Hill Waterline Improvement Project; and

WHEREAS, Thomas Construction Co. Inc., of Johnson City, TN was the lowest responsible bidder for the Project, in the amount of $1,779,590.40, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves construction and installation of: approximately 13,150 linear feet of 8-inch & 6-inch ductile iron pipe, a limited amount of 2-inch copper pipe and other work and materials required in order to complete the project; and

WHEREAS, the bids have been reviewed by the Water Resources Department W. K. Dickson & Co. Inc and the City's Office of Economic Development (Minority Business Plan Compliance) with all offices recommending approval of the bid.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.

2. City Council hereby authorizes the budget amendment using Water Resources Fund Balance to fully fund the construction contract and the contingency.

3. The City Manager is hereby authorized to execute the contract with Thomas Construction Co. Inc., for the bid amount of $1,779,590.40. City Council also grants approval of a contingency amount of $266,939.60 for a total project budget in the amount of $2,046,530 for the Horizon Hill Waterline Improvement Project. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 9th day of September 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

"Exhibit A"

WK DICKSON
community infrastructure consultants

August 27, 2014

Attn: Chad Pierce
Water Engineering Svcs. Manager
City of Asheville
Water Resources Dept.
PO Box 7148
Asheville, NC 28802

RE: **Horizon Hills Water Line Improvements**
Recommendation of Award
WK Dickson Project No.: 20130115.00.HI

Dear Mr. Pierce:

Enclosed is the Certified Bid Tabulation for the subject project. A total of six bids were received for this project. The three lowest responsive, responsible bidders, listed in ascending order are Thomas Construction Co., Inc., Cooper Construction Co. Inc., and T&K Utilities, Inc.

Our review of the bid documents submitted by the apparent low responsive bidder, Thomas Construction Co., Inc., found no irregularities. Having no knowledge of Thomas Construction Co., Inc. experience with a project of this nature we contacted several references. All of the contacted references, both municipalities and engineers, provided a positive response. Therefore, after discussing the bid with them, we feel confident that they are prepared and capable to perform the work.

Based on our final review of all the bid tabulations, we recommend that the City of Asheville award a contract for the total bid price in the amount of $1,779,590.40 to Thomas Construction Co., Inc., to perform the subject work. We appreciate the opportunity to provide this service for the City of Asheville, and we are available to answer any questions you may have.

Sincerely,

W. K. Dickson & Co., Inc.

Ryan W. Hager

Ryan W. Hager, PE
Enclosure

401 4th Street, SW
Suite 201
Hickory, NC 28601
Tel. 828.327.6911
Fax 828.327.9164
www.wkdickson.com

BID TABULATION
City of Asheville, NC
Horizon Hills Water Line Improvements
BID DATE: August 26, 2014 @ 2:00 PM

WRD Project #: [redacted]
COA Contract No: WC-13-14-001
Eng. No: 298-W371 Horizon Hill Const

Item	Payment Spec Reference	Item Description	Unit	Quantity	Thomas Const. Co., Inc. 9 Wesley Court Johnson City, TN 37601 License No. 7075		Cooper Construction Company, Inc. 761 S. Allen Rd. Flat Rock, NC 28731 License No. 4763		T&K Utilities, Inc. 204 Charlotte Hwy. Ste. G Asheville, NC 28803 License No. 55761		Buckeye Bridge, LLC 454 Buckey Cove Rd. Canton, NC License No. 72900		Davis Grading, Inc. 3420 W. Zion Church Rd. Shelby, NC 28150-8600 License No. 47634		Dillard Excavating PO Box 991 Sylva, NC 28779 License No. 8893		WK Dickson & Co., Inc. 401 4th Street SW, Ste. 201 Hickory, NC 28602 Engineer's Estimate		Average of Bids	
					Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price
		Schedule 1: Class A, B, C, D, E, F, G, H, and I																		
		Horizon Hills Water Line Improvements																		
1	2457	6" Restrained Joint DIP Water Line Class 350; Includes necessary fittings	LF	6,540	32.00	$ 209,280.00	34.60	$ 226,284.00	50.00	$ 327,000.00	51.40	$ 336,156.00	101.00	$ 660,540.00	97.00	$ 634,380.00	30	$ 196,200.00	$ 61.00	$ 400,983.00
2	2457	8" DIP Water Line Class 350; Includes necessary fittings	LF	4,860	26.00	$ 126,360.00	29.70	$ 144,342.00	46.00	$ 223,560.00	48.60	$ 236,196.00	95.00	$ 461,700.00	90.00	$ 437,400.00	40	$ 194,400.00	$ 55.38	$ 269,089.67
3	2457	8" Restrained Joint DIP Water Line Class 350; Includes necessary fittings	LF	125	86.00	$ 10,750.00	57.00	$ 7,125.00	55.00	$ 6,875.00	54.90	$ 6,862.50	110.00	$ 13,750.00	105.00	$ 13,125.00	50	$ 6,250.00	$ 72.98	$ 9,247.92
4	2457	8" DIP Water Line Class 350; Includes necessary fittings	LF	680	27.00	$ 18,360.00	35.00	$ 23,800.00	50.00	$ 34,000.00	50.30	$ 34,204.00	115.00	$ 78,200.00	97.00	$ 65,960.00	50	$ 34,000.00	$ 62.26	$ 42,430.67
5	2458	2" Copper (Type K) Water Line	LF	30	28.00	$ 840.00	41.00	$ 1,230.00	40.00	$ 1,200.00	49.10	$ 1,473.00	45.00	$ 1,350.00	50.00	$ 1,500.00	35	$ 1,050.00	$ 40.53	$ 1,215.50
6	2485	2" Gate Valve and Box	EA	1	500.00	$ 500.00	652.00	$ 652.00	600.00	$ 600.00	617.00	$ 617.00	610.00	$ 610.00	300.00	$ 300.00	250	$ 250.00	$ 579.83	$ 579.83
7	2485	4" Gate Valve and Box	EA	1	600.00	$ 600.00	718.00	$ 718.00	750.00	$ 750.00	706.00	$ 706.00	860.00	$ 860.00	700.00	$ 700.00	600	$ 600.00	$ 739.00	$ 739.00
8	2485	6" Gate Valve and Box	EA	50	680.00	$ 37,400.00	333.00	$ 31,923.00	800.00	$ 40,000.00	885.00	$ 44,250.00	750.00	$ 30,000.00	775.00	$ 31,000.00	500	$ 25,000.00	$ 705.50	$ 35,418.00
9	2485	8" Gate Valve and Box	EA	1	1,000.00	$ 2,000.00	1,140.00	$ 2,280.00	1,100.00	$ 2,200.00	1,325.00	$ 2,650.00	1,150.00	$ 2,300.00	1,100.00	$ 2,200.00	750	$ 1,500.00	$ 1,143.33	$ 2,287.67
10	2485	8"x8" Tapping Sleeve and Valve	EA	1	3,300.00	$ 3,300.00	4,727.00	$ 4,727.00	5,200.00	$ 5,200.00	5,319.00	$ 5,319.00	7,800.00	$ 7,800.00	5,000.00	$ 5,000.00	4,000	$ 4,000.00	$ 5,207.67	$ 5,207.67
11	2485	8"x6" Tapping Sleeve and Valve	EA	1	2,700.00	$ 2,700.00	4,250.00	$ 4,250.00	5,000.00	$ 5,000.00	4,760.00	$ 4,760.00	7,600.00	$ 7,600.00	4,000.00	$ 4,000.00	4,000	$ 4,000.00	$ 4,819.33	$ 4,819.33
12	2485	1" Air Release Valve and Box	EA	8	700.00	$ 5,600.00	550.00	$ 4,400.00	1,000.00	$ 8,000.00	990.00	$ 7,920.00	1,910.00	$ 15,280.00	1,000.00	$ 8,000.00	1,800	$ 14,400.00	$ 1,075.00	$ 8,600.00
14	2485	Fire Hydrant Assembly with Valve	EA	29	3,600.00	$ 104,400.00	3,900.00	$ 113,100.00	3,400.00	$ 98,600.00	3,305.00	$ 95,845.00	3,850.00	$ 111,650.00	3,000.00	$ 87,000.00	2,100	$ 60,900.00	$ 3,509.33	$ 101,770.67
15	2498	New 5/8" Water Service at Same Meter Location. Includes tap, meter, meter box, yoke, reconnection to private service line and abandonment of existing meter and service.	EA	44	600.00	$ 27,000.00	902.00	$ 39,688.00	1,300.00	$ 57,200.00	853.07	$ 36,855.00	750.00	$ 33,000.00	600.00	$ 26,400.00	1,200	$ 52,800.00	$ 812.67	$ 35,757.33
16	2498	New 1" Water Service at Same Meter Location. Includes tap, meter, meter box, yoke, reconnection to private service line and abandonment of existing meter and service.	EA	2	750.00	$ 1,500.00	1,675.00	$ 3,350.00	2,000.00	$ 4,000.00	2,379.00	$ 4,758.00	955.00	$ 1,910.00	2,100.00	$ 4,200.00	1,400	$ 2,800.00	$ 1,626.50	$ 3,253.00
17	2498	New 5/8" Water Service at Relocated Meter Location. Includes tap, meter, meter box, yoke, reconnection to private service line and abandonment of existing water service.	EA	16	500.00	$ 8,000.00	900.00	$ 14,400.00	1,600.00	$ 25,600.00	944.00	$ 15,104.00	1,200.00	$ 19,200.00	900.00	$ 14,400.00	1,500	$ 24,000.00	$ 1,015.67	$ 16,250.67
18	2498	New 1" Water Service at Relocated Meter Location. Includes tap, meter, meter box, yoke, reconnection to private service line and abandonment of existing meter service.	EA	2	770.00	$ 1,540.00	1,675.00	$ 3,350.00	2,100.00	$ 4,200.00	2,379.00	$ 4,758.00	1,500.00	$ 3,000.00	2,300.00	$ 4,600.00	1,700	$ 3,400.00	$ 1,670.67	$ 3,341.33
19	2498	5/8" Water Service Reconnection. Includes tap, reconnection to existing meter and abandonment of existing service line.	EA	77	200.00	$ 15,400.00	625.00	$ 48,125.00	600.00	$ 46,200.00	406.00	$ 31,262.00	995.00	$ 76,615.00	200.00	$ 15,400.00	550	$ 42,350.00	$ 505.00	$ 38,892.00
20	2498	1" Water Service Reconnection. Includes tap, reconnection to existing meter and abandonment of existing service line.	EA	1	250.00	$ 250.00	700.00	$ 700.00	800.00	$ 800.00	457.00	$ 457.00	2,300.00	$ 2,300.00	250.00	$ 250.00	700	$ 700.00	$ 707.67	$ 707.67
21	2498	3/4" Type "K" Soft Copper Water Service Pipe (Open Cut)	LF	1,220	14.00	$ 16,320.00	15.75	$ 19,215.00	20.00	$ 24,400.00	19.00	$ 19,380.00	21.00	$ 25,620.00	18.00	$ 21,960.00	520	$ 23,400.00	$ 27.13	$ 27,667.50
22	2498	3/4" Type "K" Soft Copper Water Service Pipe (Augered)	LF	1,220	14.00	$ 16,320.00	17.65	$ 18,003.00	22.00	$ 22,440.00	23.00	$ 23,460.00	125.00	$ 127,500.00	25.00	$ 25,500.00	525	$ 25,500.00	$ 39.78	$ 40,570.50

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Item	Payment Spec Reference	Item Description	Unit	Quantity	Thomas Consl. City, Ltd. 9 Wesley Court Johnson City, TN 37601 License No. 7075		Cooper Construction Company, Inc. 761 S. Allen Rd. Flat Rock, NC 28731 License No. 4763		T&K Utilities, Inc. 204 Charlotte Hwy. Ste. G Asheville, NC 28803 License No. 28761		Buckeye Bridge, LLC 654 Buckeye Cove Rd. Canton, NC License No. 72900		Davis Grading, Inc. 3420 W. Zion Church Rd. Shelby, NC 28150-8800 License No. 47634		Dillard Excavating PO Box 991 Sylva, NC 28779 License No. 8893		WK Dickson & Co., Inc. 4014 Hickory Street SW, Ste. 201 Hickory, NC 28602 Engineer's Estimate		Average of Bids	
					Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price
23	2498	1" Type "K" Soft Copper Water Service Pipe (Open Cut)	LF	180	17.00	$ 3,060.00	19.33	$ 3,479.00	21.00	$ 3,780.00	20.00	$ 3,600.00	75.00	$ 13,500.00	20.00	$ 3,600.00	22	$ 3,960.00	$ 28.45	$ 5,118.50
24	2498	1" Type "K" Soft Copper Water Service Pipe (Bored)	LF	80	17.00	$ 1,360.00	18.75	$ 1,494.00	24.00	$ 1,920.00	23.00	$ 1,840.00	140.00	$ 11,200.00	27.00	$ 2,160.00	25	$ 2,140.00	$ 41.98	$ 3,358.67
25	1300	3/4" Water Service - Customer Site	LF	2,500	13.00	$ 32,500.00	15.00	$ 34,500.00	20.00	$ 46,000.00	15.00	$ 34,500.00	23.00	$ 57,500.00	6.00	$ 11,500.00	8.10	$ 20,250.00	$ 15.83	$ 36,416.67
27	MSD Stds.	Replacement of Existing Sewer Pipe, 4" DIP	EA	10	1,575.00	$ 15,750.00	1,305.00	$ 13,050.00	2,000.00	$ 20,000.00	1,731.00	$ 17,310.00	3,900.00	$ 39,000.00	1,000.00	$ 10,000.00	3,400	$ 34,000.00	$ 1,915.17	$ 19,151.67
28	MSD Stds.	Replacement of Existing Sewer Pipe, 6"-8" DIP	EA	5	3,225.00	$ 16,125.00	1,479.00	$ 7,395.00	2,200.00	$ 11,000.00	4,172.00	$ 20,860.00	4,700.00	$ 23,500.00	1,200.00	$ 6,000.00	4,500	$ 22,500.00	$ 2,824.83	$ 14,124.17
29	2613	Extra Pipe Bedding	TON	250	28.00	$ 7,000.00	21.50	$ 5,375.00	30.00	$ 7,500.00	41.20	$ 10,300.00	33.00	$ 8,250.00	40.00	$ 10,000.00	34	$ 8,500.00	$ 30.45	$ 7,612.50
30	2250	Select Backfill (Dirt or Washed Stone)	CY	170	45.00	$ 7,650.00	16.20	$ 2,754.00	40.00	$ 6,800.00	59.80	$ 9,964.00	60.00	$ 10,200.00	50.00	$ 8,500.00	40	$ 6,800.00	$ 49.67	$ 7,441.33
31	2221	Rock Excavation & Associated Select Backfill	CY	330	75.00	$ 24,750.00	166.00	$ 54,780.00	100.00	$ 33,000.00	100.00	$ 33,000.00	195.00	$ 64,350.00	100.00	$ 33,000.00	115	$ 37,950.00	$ 122.67	$ 40,483.00
32	3157	Connect New Water Lines to Existing Water Lines. All connections of existing water lines to new water lines except those identified as connected with tapping sleeve and valves. Includes miscellaneous fittings, valves, parts, materials, labor and restraints.	EA	13	600.00	$ 7,800.00	2,954.00	$ 38,402.00	4,000.00	$ 52,000.00	5,093.80	$ 66,219.00	7,700.00	$ 100,100.00	2,000.00	$ 26,000.00	3,000	$ 39,000.00	$ 3,724.50	$ 48,418.50
33	3300	Abandonment of Existing Water Lines. In place abandonment of existing lines along new water line installation. Includes miscellaneous pipes, material, labor, and restraints.	EA	25	200.00	$ 5,000.00	832.00	$ 20,750.00	800.00	$ 20,000.00	1,195.00	$ 29,875.00	3,100.00	$ 77,500.00	750.00	$ 18,750.00	1,300	$ 32,500.00	$ 1,145.50	$ 28,637.50
34	3300	Abandonment of Existing Valves. Abandonment of existing valves on abandoned water lines. Includes miscellaneous material and labor.	EA	12	100.00	$ 1,200.00	500.00	$ 6,000.00	300.00	$ 3,600.00	397.00	$ 4,764.00	2,900.00	$ 34,800.00	300.00	$ 3,600.00	800	$ 9,600.00	$ 731.17	$ 8,774.00
35	3100	Aggregate Base Course - ABC at 8" Depth for Asphalt Road Trench Repair	LF	12,300	6.00	$ 73,800.00	5.00	$ 61,500.00	9.00	$ 110,700.00	10.00	$ 123,000.00	13.00	$ 159,900.00	6.00	$ 73,800.00	7	$ 86,100.00	$ 8.17	$ 100,450.00
36	3100	Bituminous Concrete Base Course - Binder at 1.5" Depth for Asphalt Road Trench Repair	LF	12,300	16.00	$ 196,800.00	25.50	$ 308,550.00	32.00	$ 393,600.00	42.60	$ 516,600.00	27.00	$ 332,100.00	15.00	$ 184,500.00	35	$ 430,500.00	$ 26.73	$ 328,825.00
37	5400	Bituminous Concrete Surface Course - Overlay at 2" Depth.	SY	21,490	13.00	$ 279,370.00	10.90	$ 234,241.00	13.00	$ 279,370.00	15.58	$ 334,814.00	14.00	$ 300,860.00	13.00	$ 279,370.00	19	$ 408,310.00	$ 13.92	$ 299,189.17
38	5300	Asphalt Milling.	SY	27,200	2.00	$ 54,400.00	2.26	$ 61,472.00	2.20	$ 59,840.00	2.10	$ 57,120.00	3.35	$ 91,120.00	3.50	$ 95,200.00	3.5	$ 95,200.00	$ 2.59	$ 70,421.33
39	5400	Asphalt Driveway Repair (per standard details)	SF	220	4.00	$ 880.00	10.00	$ 2,200.00	7.00	$ 1,540.00	3.00	$ 660.00	10.00	$ 2,200.00	7.00	$ 1,540.00	5	$ 1,100.00	$ 7.33	$ 1,613.33
40	3920	Concrete Repair, Driveway, and Sidewalk (per standard details)	SF	290	12.00	$ 3,480.00	10.50	$ 3,045.00	8.00	$ 2,320.00	17.00	$ 4,930.00	13.00	$ 3,770.00	6.00	$ 1,740.00	9	$ 2,610.00	$ 11.92	$ 3,456.67
41	3920	Concrete Curb & Gutter	LF	250	29.00	$ 7,250.00	24.25	$ 6,062.50	30.00	$ 7,500.00	20.00	$ 5,000.00	45.00	$ 11,250.00	45.00	$ 11,250.00	54	$ 13,500.00	$ 34.21	$ 8,552.92
42	5100	CABC for Road and Driveway Restoration	TON	260	28.00	$ 7,280.00	22.90	$ 5,954.00	25.00	$ 6,500.00	39.00	$ 10,140.00	30.00	$ 7,800.00	30.00	$ 7,800.00	30	$ 7,800.00	$ 28.82	$ 7,493.33
43	1900	Rip Rap	TON	20	40.00	$ 800.00	35.00	$ 700.00	40.00	$ 800.00	48.00	$ 960.00	95.00	$ 1,900.00	50.00	$ 1,000.00	30	$ 600.00	$ 48.00	$ 960.00
44	2574	Erosion and Sedimentation Control Measures	LS	1	8,000.00	$ 8,000.00	7,480.00	$ 7,480.00	10,000.00	$ 10,000.00	13,318.00	$ 13,318.00	99,000.00	$ 99,000.00	20,000.00	$ 20,000.00	15,000	$ 15,000.00	$ 16,361.33	$ 16,361.33
45	2671	Restoration	LS	1	54,000.00	$ 54,000.00	8,140.00	$ 8,140.00	14,000.00	$ 14,000.00	4,998.20	$ 4,998.20	85,000.00	$ 85,000.00	15,000.00	$ 15,000.00	10,000	$ 10,000.00	$ 30,306.53	$ 30,306.53
46	1800	Traffic Control	LS	1	4,000.00	$ 4,000.00	14,000.00	$ 14,000.00	13,000.00	$ 13,000.00	17,107.00	$ 17,107.00	33,000.00	$ 33,000.00	10,000.00	$ 10,000.00	22,000	$ 22,000.00	$ 13,251.17	$ 13,251.17
47	1500	Mobilization	LS	1	31,200.00	$ 31,200.00	49,800.00	$ 49,800.00	65,000.00	$ 65,000.00	43,375.00	$ 43,375.00	125,000.00	$ 125,000.00	49,900.00	$ 49,900.00	52,000	$ 52,000.00	$ 59,855.17	$ 59,855.17
		Subtotal Price Bid Items 1 Through 47				$ 1,373,775.00		$ 1,419,677.50		$ 2,233,638.00		$ 2,448,316.70		$ 2,507,686.50		$ 2,408,923.00		$ 2,311,270.00		$ 2,534,040.62
		5% Contingency Allowance of Subtotal				$ 68,738.75		$ 70,983.90		$ 111,781.90		$ 122,458.84		$ 125,384.33		$ 120,446.00		$ 115,563.50		$ 126,702.03
		Schedule 1 Total Bid Price				$ 1,442,963.75		$ 1,490,661.50		$ 2,345,419.90		$ 2,570,183.54		$ 2,633,070.83		$ 2,529,366.00		$ 2,426,833.50		$ 2,660,742.72

Item	Payment Spec Reference	Item Description	Unit	Quantity	Thomas Const. Co, Inc. 9 Wesley Court Johnson City, TN 37601 License No. 7075		Cooper Construction Company, Inc. 761 S. Allen Rd. Flat Rock, NC 28731 License No. 4763		T&K Utilities, Inc. 204 Charlotte Hwy, Ste. G Asheville, NC 28803 License No. 35761		Buckeye Bridge LLC 454 Buckey Cove Rd. Canton, NC License No. 73900		Doyle Grading, Inc. 3420 W. Zion Church Rd. Shelby, NC 28150-6600 License No 47634		Dillard Excavating PO Box 971 Sylva, NC 28779 License No. 6393		WK Dickson & Co., Inc 401 4th Street SW, Ste 203. Hickory, NC 28602 Engineer's Estimate		Average of Bids	
					Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price
		Schedule 2A, 3A, 3J																		
		Hanson Hills Water Line Improvements																		
1	3457	6" Restrained Joint DIP Water Line Class 350; Includes necessary fittings	LF	16	213.00	$ 3,920.00	78.00	$ 1,248.00	53.00	$ 848.00	52.50	$ 840.00	101.00	$ 1,616.00	97.00	$ 1,552.00	80	$ 800.00	$ 104.93	$ 1,678.00
2	3457	8" Restrained Joint DIP Water Line Class 350; Includes necessary fittings	LF	851	63.00	$ 53,613.00	41.00	$ 34,891.00	66.00	$ 56,166.00	50.30	$ 42,800.30	110.00	$ 93,618.00	106.00	$ 90,206.00	60	$ 51,060.00	$ 73.53	$ 62,591.05
5	2498	1" Copper (Type K) Water Line	LF	33	100.00	$ 2,400.00	50.00	$ 750.00	60.00	$ 900.00	49.10	$ 736.50	65.00	$ 975.00	40.00	$ 600.00	33	$ 525.00	$ 70.44	$ 1,056.25
6	2455	2" Gate Valve and Box	EA	1	450.00	$ 450.00	652.00	$ 652.00	400.00	$ 400.00	617.00	$ 617.00	610.00	$ 610.00	800.00	$ 800.00	325	$ 325.00	$ 569.83	$ 569.83
12	2488	6"x6" Tapping Sleeve and Valve	EA	1	2,450.00	$ 2,450.00	4,101.20	$ 4,101.20	3,000.00	$ 3,000.00	4,584.00	$ 4,584.00	7,000.00	$ 7,000.00	4,500.00	$ 4,500.00	4,500	$ 4,500.00	$ 4,739.17	$ 4,739.17
19	2498	3/4" Water Service Reconnection. Includes tap, reconnection to existing meter and abandonment of existing service line.	EA	1	220.00	$ 220.00	669.80	$ 669.80	1,000.00	$ 1,000.00	4,854.00	$ 4,854.00	1,500.00	$ 1,500.00	200.00	$ 200.00	5,450	$ 5,450.00	$ 1,492.30	$ 1,492.30
21	2498	3/4" Type "K" Soft Copper Water Service Pipe (Open Cut)	LF	26	92.00	$ 2,850.00	19.50	$ 306.00	20.00	$ 400.00	25.00	$ 650.00	83.00	$ 2,700.00	18.00	$ 360.00	570	$ 450.00	$ 42.05	$ 861.20
24	MSD Standards	Replacement of Existing Force Main, 2'-0" DIP	LF	50	50.00	$ 3,000.00	45.50	$ 2,730.00	65.00	$ 3,600.00	111.00	$ 6,660.00	150.00	$ 9,000.00	75.00	$ 4,500.00	540	$ 5,400.00	$ 81.92	$ 4,915.00
29	2613	Extra Pipe Bedding	TON	17	25.00	$ 425.00	24.38	$ 414.50	80.00	$ 340.00	43.20	$ 734.40	33.00	$ 561.00	40.00	$ 680.00	540	$ 630.00	$ 50.45	$ 565.65
30	2220	Select Backfill (Dirt or Washed Stone)	CY	12	47.00	$ 564.00	16.16	$ 194.00	40.00	$ 480.00	59.20	$ 710.40	60.00	$ 720.00	50.00	$ 600.00	540	$ 480.00	$ 43.40	$ 541.60
31	2221	Rock Excavation & Associated Select Backfill	CY	23	110.00	$ 1,840.00	166.00	$ 3,818.00	100.00	$ 2,300.00	98.00	$ 2,254.00	193.00	$ 4,439.00	100.00	$ 2,300.00	5123	$ 2,975.00	$ 122.83	$ 2,535.17
32	3457	Connect New Water Lines to Existing Water Lines. All connections of existing water lines to new water lines except those identified as connected with tapping sleeve and valves. Includes miscellaneous fittings, valves, parts, materials, labor and restraints.	EA	1	950.00	$ 950.00	2,070.00	$ 2,070.00	4,000.00	$ 4,000.00	2,488.00	$ 2,488.00	2,700.00	$ 2,700.00	2,000.00	$ 2,000.00	53,000	$ 3,000.00	$ 2,201.33	$ 2,201.33
33	1300	Abandonment of Existing Water Lines. In place abandonment of existing lines along new water line installation. Includes miscellaneous parts, material, labor, and restraints.	EA	1	225.00	$ 225.00	850.00	$ 850.00	800.00	$ 800.00	1,193.00	$ 1,193.00	2,100.00	$ 2,100.00	750.00	$ 750.00	51,200	$ 1,200.00	$ 1,153.00	$ 1,153.00
34	1300	Abandonment of Existing Valves. Abandonment of existing valves on abandoned water lines. Includes miscellaneous material and labor.	EA	1	100.00	$ 100.00	500.00	$ 500.00	300.00	$ 300.00	332.00	$ 332.00	2,900.00	$ 2,900.00	300.00	$ 300.00	2800	$ 900.00	$ 780.33	$ 780.33
35	5100	Aggregate Base Course - CABC at 8" Depth for Asphalt Road Trench Repair	LF	200	6.00	$ 1,200.00	5.30	$ 1,060.00	9.00	$ 1,800.00	10.00	$ 2,000.00	13.00	$ 2,600.00	6.00	$ 1,200.00	32	$ 1,800.00	$ 8.22	$ 1,643.33
36	5200	Bituminous Concrete Base Course - Binder 1.5" Depth for Asphalt Road Trench Repair	LF	200	15.00	$ 3,000.00	32.00	$ 6,400.00	32.00	$ 6,400.00	42.00	$ 8,400.00	37.00	$ 8,400.00	15.00	$ 3,000.00	525	$ 7,000.00	$ 27.33	$ 5,466.67
37	5400	Bituminous Concrete Surface Course - Overlay at 2" Depth	SY	680	13.00	$ 8,840.00	13.20	$ 8,976.00	13.00	$ 8,840.00	16.50	$ 10,540.00	16.00	$ 10,880.00	13.00	$ 8,840.00	820	$ 13,000.00	$ 13.95	$ 9,486.00
38	1300	Asphalt Milling	SY	680	3.60	$ 2,040.00	2.78	$ 1,536.60	2.70	$ 1,836.60	3.10	$ 2,108.00	3.50	$ 2,710.00	3.50	$ 2,380.00	515	$ 10,700.00	$ 3.34	$ 2,273.17
39	5400	Asphalt Driveway Repair (per standard detail)	SF	1,000	3.60	$ 5,400.00	10.00	$ 18,000.00	7.00	$ 12,600.00	8.00	$ 10,800.00	10.00	$ 18,000.00	7.00	$ 12,600.00	53	$ 14,300.00	$ 7.27	$ 12,900.00
41	2920	Concrete Curb & Gutter	LF	85	21.00	$ 1,785.00	27.00	$ 2,295.00	40.00	$ 3,400.00	47.00	$ 3,995.00	45.00	$ 3,825.00	45.00	$ 3,825.00	540	$ 24,300.00	$ 34.17	$ 2,905.17
43	1500	Rip Rap	TON	2	40.00	$ 80.00	35.00	$ 70.00	60.00	$ 120.00	48.00	$ 96.00	75.00	$ 150.00	50.00	$ 100.00	530	$ 1,060.00	$ 51.67	$ 103.33

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Item	Payment Spec Reference	Item Description	Unit	Quantity	Thomas Const Co, Inc. 9 Wesley Court Johnson City, TN 37601 License No. 7075		Cooper Construction Company, Inc. 751 S. Allen Rd. Flat Rock, NC 28731 License No. 4755		T&K Utilities, Inc. 205 Charlotte Hwy. Ste. G Asheville, NC 28803 License No. 35751		Buckeye Bridge LLC 554 Buckey Cove Rd. Canton, NC License No. 72900		Davis Grading, Inc. 3420 W. Zion Church Rd. Shelby, NC 28150-8600 License No. 47638		Dillard Excavating PO Box 991 Sylva, NC 28779 License No. 8813		WK Dickson & Co., Inc. 801 4th Street SW, Ste. 101 Hickory, NC 28602 Engineer's Estimate		Average of Bids	
					Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price
44	2374	Erosion and Sedimentation Control Measures	LS	1	$ 3,330.00	$ 3,330.00	$ 2,450.00	$ 2,450.00	$ 7,000.00	$ 7,000.00	$ 3,500.00	$ 3,500.00	$ 6,500.00	$ 6,500.00	$ 1,000.00	$ 1,000.00	$ 10,000.00	$ 10,000.00	$ 4,463.00	$ 4,463.00
45	2821	Restoration	LS	1	$ 4,700.00	$ 4,700.00	$ 2,100.00	$ 2,100.00	$ 4,000.00	$ 4,000.00	$ 2,464.00	$ 2,464.00	$ 25,000.00	$ 25,000.00	$ 1,000.00	$ 1,000.00	$ 10,000.00	$ 10,000.00	$ 6,360.67	$ 6,360.67
46	1800	Traffic Control	LS	1	$ 2,520.00	$ 2,520.00	$ 2,340.00	$ 2,340.00	$ 3,000.00	$ 3,000.00	$ 291.00	$ 291.00	$ 5,500.00	$ 5,500.00	$ 3,000.00	$ 3,000.00	$ 3,000.00	$ 3,000.00	$ 2,495.67	$ 2,495.67
47	1200	Mobilization	LS	1	$ 3,440.00	$ 3,440.00	$ 10,100.00	$ 10,100.00	$ 9,000.00	$ 9,000.00	$ 3,293.00	$ 3,293.00	$ 18,000.00	$ 18,000.00	$ 1,001.29	$ 1,001.29	$ 4,400.00	$ 4,400.00	$ 7,501.05	$ 7,501.05
		Subtotal Price Bid Items 1 Through 47				$ 111,203.65		$ 103,931.70		$ 135,182.00		$ 120,064.62		$ 238,556.00		$ 143,071.29		$ 136,360.00		$ 134,141.27
		5% Contingency Allowance of Subtotal				$ 5,560.18		$ 5,196.59		$ 6,759.10		$ 6,003.23		$ 11,927.80		$ 7,153.56		$ 7,168.00		$ 7,157.06
		Schedule 1 Total Bid Price				$ 116,763.83		$ 109,128.29		$ 141,941.10		$ 126,067.85		$ 250,483.80		$ 150,224.85		$ 143,528.00		$ 141,298.33
		Total Bid Item 48 (Schedule 2 and Allowance)				$ 2,775,590.60		$ 2,025,040.09		$ 2,499,308.50		$ 2,097,224.57		$ 3,333,507.23		$ 2,681,715.00		$ 3,370,215.50		$ 2,601,062.57

Note the following irregularities: 1) Cooper Construction Schedule 1 subtotal was over by $3.00; thus, their final Total Bid came in at $2,025,043.09 in lieu of $2,025,040.08.
2) Buckeye Construction reflected a Bid Total of $2,568,785.30, which is less than Schedule 1 and not inclusive of Schedule 2. The correct bid total is $2,697,224.57.

I hereby certify that the above is a true and correct (to the best of my knowledge) tabulation of bids received on August 26, 2014.

Ryan W. Hager, PE
Project Manager

W.K. Dickson & Co., Inc.
NC License F-0374

NORTH CAROLINA PROFESSIONAL SEAL 037462 ENGINEER RYAN W. HAGER

8/27/14

RESOLUTION NO. 14- 204

RESOLUTION TO APPLY FOR EMERGENCY SOLUTIONS GRANT AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the State of North Carolina will receive and administer Emergency Solution Grant (ESG) funds for FY 2014 from the US Department of Housing and Urban Development; and

WHEREAS, the State has made these funds available to Continuums of Care in the State, and required that each Continuum of Care submit one regional application for ESG funds; and

WHEREAS, the City of Asheville has agreed to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services; and

WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has authorized the City to apply, as fiscal agent, for $144,492;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville approve application for the Emergency Solutions Grant;

2. Council authorizes the City Manager to sign all necessary application documents with the State of North Carolina.

Read, approved and adopted this 9th day of September, 2014.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-205

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE TRANSIT PLANNING PROGRAM, SECTION 5303 METROPOLITAN PLANNING PROGRAM OF THE FEDERAL TRANSIT ADMINISTRATION.

WHEREAS, funds for FY 2014-15 are available from the North Carolina Department of Transportation (NCDOT) through the Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of $84,230 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $8,423; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to fund the transit planning program, Section 5303 Metropolitan Planning Program of the Federal Transit Administration (FTA) for FY 2014-15.

Read, approved and adopted this 9th day of September 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-206

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE APPRENTICE/INTERN PROGRAM FOR FY 2014-15

WHEREAS, funds for FY 2014-15 are available from the North Carolina Department of Transportation (NCDOT) to hire a transit planning apprentice to perform planning activities; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of $32,423 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $3,243; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal and State government and to enter into contracts for the administration of said grants;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the N.C. Dept. of Transportation to fund the apprentice/intern program for FY 2014-15.

Read, approved and adopted this 9th day of September 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-207

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC. FOR THE PROJECT KNOWN AS 482 SUNSET DRIVE RETAINING WALL CONSTRUCTION

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as 482 Sunset Drive Retaining Wall Construction, City of Asheville Project # ST-13-14-005; and

WHEREAS, Patton Construction Group, Inc. was the lowest responsible bidder for the project, in the amount of $ 740,688.00; and

WHEREAS, the project involves the construction of a retaining wall to support a failing road surface that has the potential for liability to the City of Asheville; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $ 740,688.00 plus a contingency of 15% ($111,103.20), for a total of $ 851,791.20, with Patton Construction Group, Inc. for the project known as 482 Sunset Drive Retaining Wall Construction, City of Asheville Project # ST-13-14-005.

Read, approved and adopted this the 9th day of September, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-208

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO INCREASE THE ENGINEERING DESIGN SERVICES CONTRACT FOR W. K. DICKSON & CO., INC. FOR THE HORIZON HILLWATERLINE IMPROVEMENT PROJECT.

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, W. K. Dickson & Co., Inc. was selected by Staff via a Request for Qualifications process to perform engineering services related to the Horizon Hill Waterline Improvement Project; and

WHEREAS, during the initial design and analysis phase of the project, it was determined that an additional 3,650 linear feet of waterline survey, hydraulic analysis, engineering design, construction administration and other related professional services was needed in order to meet the project objectives; and

WHEREAS, a change order in the amount of $104,480.00 is needed to increase the engineering design services contract W. K. Dickson & Co., Inc., from a total in the amount of $205,350.00 to $309,830.00 for the project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a change order in the amount of $104,480 to increase the engineering design services contract for W. K. Dickson & Co., Inc., from $205,350 to $309,830 for the construction of the Horizon Hill Waterline Improvement Project and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this the 9th day of September, 2014.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-209

RESOLUTION ADOPTING THE RIVERSIDE DRIVE DEVELOPMENT PLAN

WHEREAS, the City of Asheville is committed to the continuing development of the River Arts District and surrounding riverfront districts in order to strengthen the economic vitality of the region; and

WHEREAS, the City of Asheville regularly adopts plans as a means to guide the City's future community and economic development investments; and

WHEREAS, the planning process for the Riverside Drive Development Plan included a significant public engagement process that insures the plan reflects the community's visions for the future of the area; and

WHEREAS, the Riverside Drive Development Plan has been recommended for adoption by the Asheville Area Riverfront Redevelopment Commission and the Planning and Economic Committee of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville adopts the Riverside Drive Development Plan as an update to the Wilma Dykeman RiverWay Master Plan and as a stand-alone plan to encourage economic development.

2. Staff if directed to return to the Planning and Economic Development Committee with an implementation schedule and other analysis for PED review.

Read, approved and adopted this 9th day of September, 2014

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-210

RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, the terms of Allison Bond, Jayden Gurney, William Irby, Brian Alexander and M. Mae Creadick, as members on the Affordable Housing Advisory Committee, expires on September 1, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. M. Mae Creadick, 2 Buckingham Court Asheville, N.C., be and she is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve an additional three-year term, term to expire September 1, 2017, or until her successor has been appointed.

(2) Mr. Jayden Gurney, 25 Appeldoorn Circle, Asheville, N.C., be and he is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve a three year term, term to expire September 1, 2017, or until his successor has been appointed.

(3) Mr. Randall Barnett, 21 Westchester Drive, Asheville, N.C., be and he is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve a three year term, term to expire September 1, 2017, or until his successor has been appointed.

(4) Mr. James Mastrogiacomo, 90 Charlotte Street, Asheville, N.C. be and he is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve a three year term, term to expire September 1, 2017, or until his successor has been appointed.

(5) Ms. Laura Simmelink, Post Office Box 18907, Asheville, N.C., be and she is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve a three year term, term to expire September 1, 2017, or until her successor has been appointed.

Read, approved and adopted this 9th day of September, 2014.

Magdalen Burleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-211

RESOLUTION APPROVING SETTLEMENT OF CIVIL LAWSUITS BETWEEN THE CITY OF ASHEVILLE AND ROGER ALY

WHEREAS, Roger Aly (Aly) was employed by the City of Asheville (City) in the City's Police Department on November 15, 2006; and

WHEREAS, Aly was terminated by the City on June 10, 2010, following which Aly filed a grievance with the City's Civil Service Board, which ruled that Aly's termination was not justified; and

WHEREAS, on December 7, 2012, Aly also filed a civil action against the City requesting damages and attorney's fees related to Aly's termination; and

WHEREAS, from 2010 to the current date, Aly and the City have engaged in lengthy and protracted litigation and that litigation is still pending; and

WHEREAS, the parties have reached an agreement which would resolve said litigation; and

WHEREAS, pursuant to City Resolution No. 93-145, the Asheville City Council must approve the settlement of claims, if the amount of the settlement exceeds $25,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City will pay a monetary settlement in the amount of $250,000 to Aly or for the benefit of Aly. These payments will consist of, inter alia, 1) back wages arising out of Aly's employment with the City from June 10, 2010 until September 12, 2014; and, 2) payments on Aly's behalf to the Local Government Employees Retirement System on Aly's behalf and to Aly's 401-K account.

2. The settlement described in paragraph 1 above is hereby approved, subject to the execution of appropriate settlement documents and releases by the parties as approved by the City Attorney's Office.

3. As required by N.C. Gen. Stat. § 143-318.11(a)(3), the terms of the settlement of the above described matter are hereby made a matter of public record and the City Clerk is directed to enter this Resolution in the official minutes of City Council as soon as possible after the settlement is concluded; and nothing herein may be construed as a waiver of government immunity with respect to any claims against the City of Asheville.

4. The Mayor of the City of Asheville is hereby authorized to execute any settlement documents effectuating the above-described settlement with Aly, upon approval of City Attorney's Office.

Read, approved and adopted this 9th day of September, 2014.

Magdalen Burleson
City Clerk

Mayor

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14- 212

RESOLUTION AMENDING THE 2014 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council community meeting on Tuesday, September 30, 2014, is hereby cancelled.

2. City Council will hold a worksession on affordable housing/community development on Tuesday, October 14, 2014, at 3:30 p.m. in the First Floor North Conference Room in City Hall.

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

353

RESOLUTION NO. 14-213

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A CONSERVATION EASEMENT ON 8.3 ACRES OF REAL PROPERTY ALONG THE FRENCH BROAD RIVER LOCATED AT THE ASHEVILLE REGIONAL AIRPORT TO THE CAROLINA MOUNTAIN LAND CONSERVANCY FOR CONSERVATION PURPOSES

WHEREAS, N. C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville holds title to real property located at 61 Terminal Drive in Fletcher, known as the Asheville Regional Airport, and leases said property to the Asheville Regional Airport Authority; and

WHEREAS, the Carolina Mountain Land Conservancy has requested to purchase a conservation easement on approximately 8.3 acres of land at the Asheville Regional Airport located along the French Broad River; and

WHEREAS, the Carolina Mountain Land Conservancy has been awarded a North Carolina Clean Water Management Trust Fund grant in the amount of $107,000 for this purpose; and

WHEREAS, Asheville Regional Airport Authority Board approved this transaction on May 9, 2014 and requests the City to approve; and

WHEREAS, all proceeds of sale are subject to Federal Aviation Administration (FAA) regulations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-273, the City Manager is hereby directed to convey the aforementioned real property at 61 Terminal Drive, Fletcher, to the Carolina Mountain Land Conservancy. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 23rd day of September 2014.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-214

RESOLUTION APPROVING CO-SPONSORSHIP OF THE AFFORDABLE CARE ACT OPEN ENROLLMENT KICK-OFF SPEARHEADED BY PISGAH LEGAL SERVICES

WHEREAS, the City of Asheville has the authority pursuant to N.C.G.S. 160A-20.1, to contract with and appropriate money to persons and organizations carrying out a public purpose; and

WHEREAS, Pisgah Legal Services has met the current criteria for city sponsorship, representing a public purpose for the Affordable Care Act Open Enrollment Event to be held at the U.S. Cellular Center on November 15, 2014; and

WHEREAS, the Open Enrollment Event is in line with City Council Strategic goals of Affordability and Economic Mobility and High Quality of Life; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Affordable Care Act Open Enrollment Kick-off, spearheaded by Pisgah Legal Services, on November 15, 2014, is approved as a city sponsored event and waiving of fees for placement of advertisements in City ART Buses.

Read and approved and adopted th s 23th day of September 2014.

Magdalen Bourleson
CITY CLERK

Edwin G. Marlin
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 14-215

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE NORTH CAROLINA OFFICE OF JUSTICE PROGRAMS THROUGH THE US DEPARTMENT OF JUSTICE FOR THE 2014 BALLISTIC VEST PARTNERSHIP PROGRAM

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the Federal and State Governments, and to enter into contracts for the administration of said grants: and

WHEREAS, the US Department of Justice (DOJ), has granted the City of Asheville to submit a grant application in the amount of $23,778.51 through the BVP program for partial purchase cost of ballistic vests;

WHEREAS, the City has a required match of $23,778.51 in order to accept the grant funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the US Department of Justice, for a grant in the amount of $23,778.51 and move matching funds from the City in the amount of $23,778.51 into the Project Line for the purchase of ballistic vests.

Read, approved, and adopted this 23rd day of September 2014.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-216

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MAIL MANAGEMENT SERVICES, LLC TO PROVIDE MAIL SERVICES TO THE CITY OF ASHEVILLE

WHEREAS, the City has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statues to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville provides municipal services to more than 60,000 accounts; and desires to contract with Vendor to provide mail management services for the City; and

WHEREAS, the City issued a request for proposals and deemed the proposal submitted by Mail Management Services, LLC as the lowest, responsible bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to enter into a contract with Mail Management Services, LLC, with an option to renew for two successive one year periods to provide mail services to the City of Asheville for an amount not to exceed the City's approved fiscal year budget for each applicable fiscal year period. Provided however, each fiscal year contract shall be subject to funding approval by City Council.

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-217

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE BUDD GROUP, INC. TO PROVIDE CUSTODIAL SERVICES AT THE US CELLULAR CENTER FOR A ONE YEAR PERIOD WITH TWO (2) ONE (1) YEAR OPTIONS TO RENEW

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the US Cellular Center has previously utilized temporary staffing companies to assist with custodial needs at the venue and staff determined that such temporary custodial companies could not adequately meet the increasing needs of the US Cellular Center in this regard; and

WHEREAS, the US Cellular Center issued a request for proposals for custodial services in May 2014 and the Budd Group Inc. was selected as the bidder best able to provide turn-key custodial services at the venue at a competitive rate and to meet other goals of the RFP; and

WHEREAS, the contract with the Budd Group, Inc. will have a base cost of $83,060 per year plus additional costs for hourly part time staff during events or a total of approximately $160,000 annually, and the monies have been budgeted in the Civic Center's Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with the Budd Group Inc., for Custodial Services at a cost not to exceed $160,000 per year with two (2), one (1) year options to renew at a base and hourly rate that will not exceed a 3% increase. The City Manager is further authorized to approve and execute any change orders to said contract or documents which may arise during the term of said contract up to the budgeted amount.

Read, approved and adopted this the 23rd day of September, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14- 218

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BLUE RIDGE PRIDE IN PACK SQUARE PARK ON THE DATE OF SATURDAY, OCTOBER 4, 2014, FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Blue Ridge Pride.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Blue Ridge Pride event area, as set forth on Exhibit A, attached.

   The Blue Ridge Pride event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, City-County Parking Lot, and Spruce Street between College Street and Court Plaza

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Blue Ridge Pride on Saturday, October 4, 2014, from 12:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or

unfortified wine are not allowed anywhere in the Blue Ridge Pride event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Blue Ridge Pride event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Blue Ridge Pride, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Burleson
City Clerk

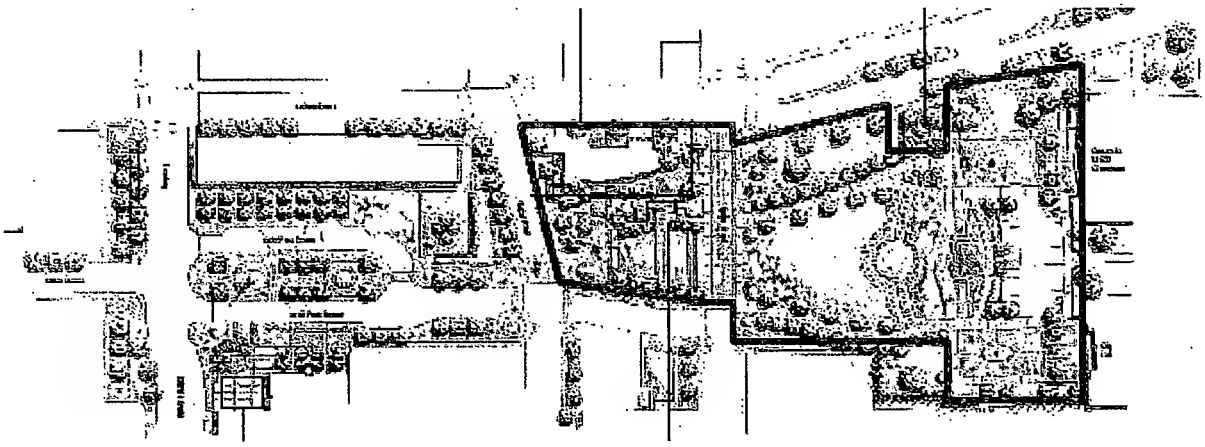
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



Alcohol Area

361

RESOLUTION NO. 14- 219

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE OKTOBERFEST ON BANKS AND COXE AVENUES ON THE DATE OF SATURDAY, OCTOBER 11, 2014, FROM 1:00 PM – 6:00 PM.

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Asheville Oktoberfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Oktoberfest event area, as set forth on Exhibit A, attached.

   The Asheville Oktoberfest event area is within the boundaries of Banks Avenue between Collier Avenue and Coxe Avenue, and on Coxe Avenue between Hilliard Avenue and the intersection of Buxton Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville Oktoberfest on Saturday, October 11, 2014, from 1:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or

unfortified wine are not allowed anywhere in the Asheville Oktoberfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Oktoberfest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville Oktoberfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Burleson
City Clerk

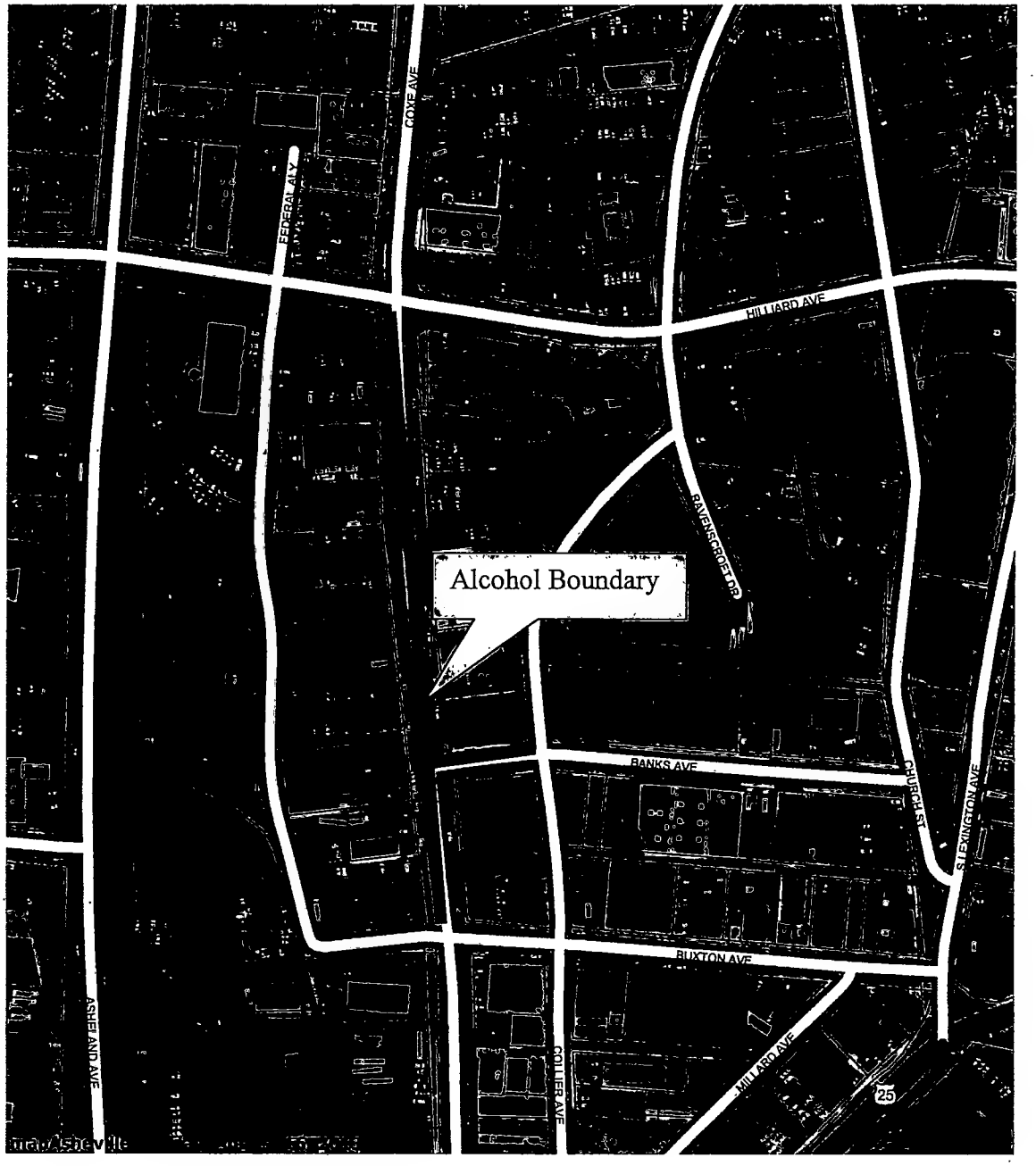
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A


COXE AVE
FEDERAL ALY
HILLIARD AVE
RAVENSCROFT DR
Alcohol Boundary
BANKS AVE
CHURCH ST
S LEXINGTON AVE
BUXTON AVE
ASHEVILLE AVE
COLLIER AVE
MILLARD AVE
25

RESOLUTION NO. 14- 220

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE CITY MARKET ON THE DATES OF SATURDAY, OCTOBER 18, 2014, AND SATURDAY, OCTOBER 25, 2014, FROM 8:00 AM – 1:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville City Marekt.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville City Market event area, as set forth on Exhibit A, attached.

   The Asheville City Market event area is within the boundaries the city-owned parking lot located at 161 S. Charlotte Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville City Market on Saturday, October 18, 2014, and Saturday, October 25, 2014, from 8:00 a.m. to 1:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages

and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville City Market event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville City Market event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville City Market, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Burleson
City Clerk

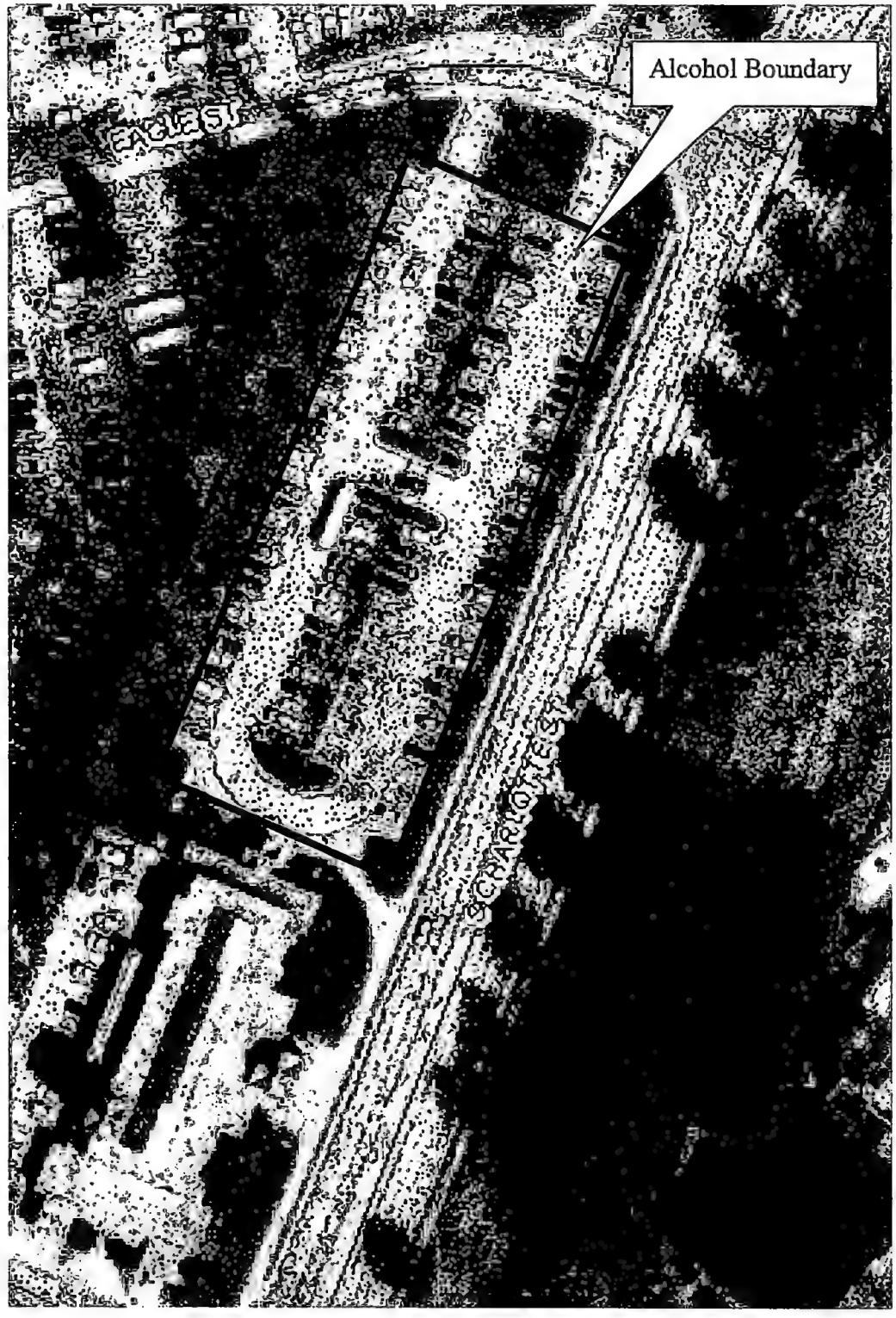
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



RESOLUTION NO. 14- 221

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BROTHER WOLF NEW YEAR'S RESOLUTION RUN ON THE DATE OF JANUARY 1, 2015, FROM 10:30 AM – 1:30 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Brother Wolf New Year's Resolution Run.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Brother Wolf New Year's Resolution Run event area, as set forth in Exhibit A, attached.

   The Brother Wolf New Year's Resolution Run event area is within the boundaries of Pack Square Park's Roger McGuire Green.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Brother Wolf New Year's Resolution Run on Thursday, January 1, 2015, from 10:30 AM – 1:30 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages

and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Brother Wolf New Year's Resolution Run event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Brother Wolf New Year's Resolution Run event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Brother Wolf New Year's Resolution, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Burleson
City Clerk

Mayor

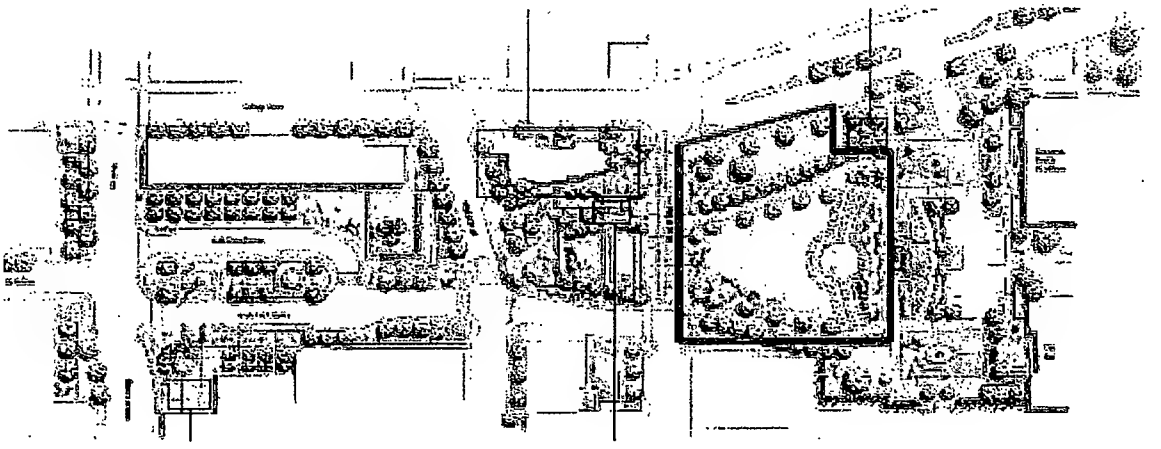
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

369

EXHIBIT A



Alcohol Area

RESOLUTION NO. 14-222

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH SMART ELECTRIC COMPANY FOR THE NORTH FORK WATER TREATMENT PLANT ELECTRICAL IMPROVEMENTS PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the North Fork Water Treatment Plant Dam Electrical Improvements Project; and

WHEREAS, Smart Electric Company of Connelly Springs, NC, was the lowest responsible, responsive bidder for the Project, in the amount of $318,379.00, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves construction and installation of all materials, labor, incidentals, and equipment necessary for the replacement of the main electrical switchgear and associated electrical system improvements at the North Fork Water Treatment Plant in Black Mountain, NC; and

WHEREAS, the bids have been reviewed by the Water Resources Department, McGill Associates, and the City's Office of Economic Development (Minority Business Plan Compliance) with all offices recommending approval of the bid.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.

2. City Council hereby authorizes a budget amendment using funds from the completed Automated Meter Reading (AMR) Capital Project to partially fund the construction contract and the contingency.

3. The City Manager is hereby authorized to execute the contract with Smart Electric Company, for the bid amount of $318,379.00. City Council also grants approval of a contingency amount of $47,757.00 for a total project budget in the amount of $366,136.00 for the North Fork Water Treatment Plant Dam Electrical Improvements Project. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 23rd day of September, 2014.

Magdalen Bullesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullesson
City Clerk

371

Exhibit A

Bid Tabulation for the North Fork Water Treatment Plant Dam Electrical Improvements Project

Haynes Electric Construction Company
PO Box 16589
Asheville, NC 28816
Total Bid: $415,000.00

Smart Electric Company
PO Box 684
Connelly Springs, NC 28612
Total Bid: $318,379.00

RESOLUTION NO. 14-223

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH B. ALLEN CONSTRUCTION, INC. TO DESIGN AND CONSTRUCT THE RESTROOM AND PAVILION AT THE WNC NATURE CENTER

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, City Council adopted the Parks, Recreation, Cultural Arts and Greenways Master Plan that recommends the development of a master site plan for future development of the WNC Nature Center; and

WHEREAS, the city completed the 2020 Vision Master Site Plan that directs future improvements at the WNC Nature Center that prioritizes the importance to continue to enhance the existing playground area with the design and construction of a restroom and picnic pavilion; and

WHEREAS, the City issued a Request for Qualifications for qualified firms to provide the design and construction of a new restroom pavilion. Three (3) applications were received, and B. Allen Construction, Inc. was determined to be the most qualified, responsive and responsible applicant; and

WHEREAS, funds have been appropriated and budgeted from grants and donations from the Friends of the WNC Nature Center, and the North Carolina Department Commerce;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with B. Allen Construction, Inc., for an amount not to exceed $132,900 for the design and construction of the restroom and pavilion at the WNC Nature Center, and further authorized to execute any change orders to said contract or documents which may arise during design and construction of said project up to the budgeted amount.

Read, approved and adopted this the 23rd day of September, 2014.

Magdalen Boulware
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Boulware
City Clerk

373

RESOLUTION NO. 14-224

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AN AGREEMENT WITH BRYCER, LLC, FOR USE OF THEIR FIRE CODE COMPLIANCE TRACKING SOFTWARE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, Brycer, LLC and their proprietary "Compliance Engine" software desires to provide a service to all commercial occupancies in the City of Asheville to collect, organize and store all code-required third party inspection and testing records; and

WHEREAS, their automated service would give the City of Asheville Fire Department the ability to receive automatic notification when requirements are delinquent and need attention; and

WHEREAS, their service and proprietary software is provided at no cost to the City of Asheville; and

WHEREAS, the Asheville Fire Department desires to utilize this software to enhance fire code compliance; and

WHEREAS, the City Council Public Safety Committee recommended approval on August 25, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract with Brycer, LLC for a term of three years, subject to the conditions and terms outlined in the service agreement.

Read, approved and adopted this the 23rd day of September, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-225

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A POURING RIGHTS CONTRACT AND SPONSORSHIP AGREEMENT WITH PEPSI BOTTLING COMPANY OF HICKORY, NC TO PROVIDE NON-ALCOHOLIC BEVERAGES AND RELATED EQUIPMENT AT THE US CELLULAR CENTER FOR A FOUR (4) YEAR PERIOD WITH TWO (2) ONE (1) YEAR OPTIONS TO RENEW

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the U.S. Cellular Center utilizes sales of beverage products as a significant revenue source for operations; and

WHEREAS, the U.S. Cellular Center issued a request for proposals for non-alcoholic beverage pouring rights and sponsorship to include competitive product pricing rates and the provision and maintenance of all necessary equipment; and

WHEREAS, the Pepsi Cola Bottling Company of Hickory, NC Inc. was selected as the winning bidder since their proposal contained the most favorable terms for the U.S. Cellular, including product pricing rates that were lower than current rates, a one-time $65,000 signing bonus provided to the U.S. Cellular Center exclusively to be used for the purchase, installation and maintenance of digital menu boards at venue concession stands (an addition which is projected to increase sales by 10-20%), and the payment of an annual sponsorship fee of $5,000; and

WHEREAS, the contract with the Pepsi Cola Bottling of Hickory, NC Inc. will have a term of four (4) years with two (2) one (1) year options to renew, if mutually agreeable, at a cost not to exceed $80,000 annually for product, as well as additional terms outlined in the above paragraph, and the monies have been budgeted in the Civic Center's Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract and sponsorship agreement on behalf of the City of Asheville with Pepsi-Cola Bottling Company of Hickory, NC, for non-alcoholic beverage product purchase and annual sponsorship based on the terms and conditions outlined above. City Manager is further authorized to execute any change orders or extensions to said contract up to the budgeted amount as well as any amendments the sponsorship agreement.

Read, approved and adopted this the 23rd day of September, 2014.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

375

RESOLUTION NO. 14-226

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNNAMED ALLEY OFF OF BROAD STREET

WHEREAS, pursuant to N.C.G.S. 160A-299, cities are authorized to permanently close streets and alleys in accordance with certain statutory procedures; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unnamed alley off of Broad Street; and

WHEREAS, said rights-of-way are not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unnamed alley off of Broad Street. Described as follows: Beginning at a "X" chiseled in the sidewalk which joins the south side of Broad Street, and marks the northeast corner of the property of Broad Properties, LLC, as recorded in Deed Book. 4569 pg. 344 tract 2, and runs from said beginning south 85* 32' 33" east 5.02' to a point in said sidewalk which marks the northwest corner of Deed Book. 4569 pg. 344 tract 1. Thence with the western line of said tract 1 south 3* 13' 19" west 94.04' to a no. 4 rebar which marks the southwest corner of said tract 1. Thence with the southern line of said tract 1 south 85* 21' 23" east 5.00' to a concrete monument which marks the terminus of the 7th call in Deed Book. 2059 pg. 665. thence with the line of said Deed Book. 2059 pg. 665 the following 2 calls, south 3* 49' 10" west 15.50' to a point and north 86* 2' 16" west 10.23' to a 3/4" existing iron pipe which marks the southeast corner of Deed Book. 4569 pg. 344 tract 2. Thence with the west line of said tract 2 north 3* 24' 53" east 109.64' to the beginning. Containing 649 square feet and being a strip of land referred to as an alley in Deed Book 2059 pg. 665 and Deed Book 4569 pg. 344 tract 2.Prepared by Huntly T. King, P.L.S. on July 23, 2014, as shown on Exhibit A.

2. A public hearing on the question of permanently closing an unnamed alley off of Broad Street is hereby called for on October 28, 2014, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chamber, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on October 28, 2014.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned unnamed alley off of Broad Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property adjoining this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Bouleson
City Clerk

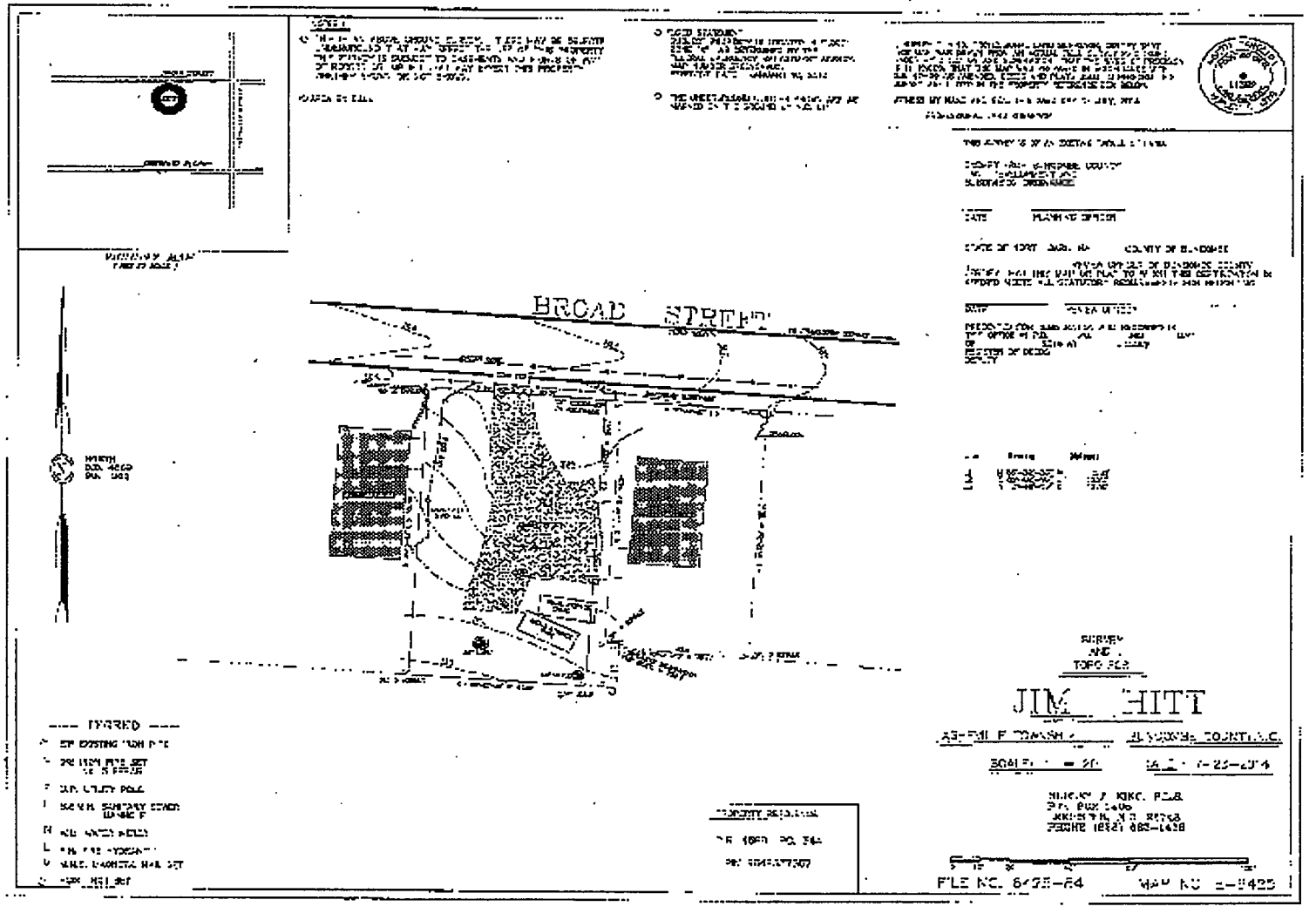
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

Exhibit A



RESOLUTION NO. 14-227

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF BRADLEY STREET

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of Bradley Street; and

WHEREAS, said rights-of-way are not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close a portion of Bradley Street; described as follows:

Legal Description for Proposed Partial Closure of Bradley Street Area #1
Beginning at a calculated point where the future westerly right of way line of a 30' private right of way named Bradley Street (Plat Book 16 Page 10 & Plat Book 138 Page 94) intersects the existing easterly right of way of said street, said point of beginning being located N 05°50'33" E, 88.34' from a 5/8" Rebar w/ID cap "WCLS" being the northwest corner of Lot 2-R as shown in Plat Book 167 Page 80, having NC Grid Coordinates: Northing: 681,047.90', Easting: 937,397.01' NAD 83 (NSRS 2007), and said rebar being located N 20°35'33" W, 751.87' (grid distance) (combined factor: 0.99979761) from N.C.G.S. "Papa Joe" having published NC Grid Coordinates: Northing: 680,344.07', Easting: 937,661.46' NAD 83 (NSRS 2007), Elevation: 1,980.5' (NAVD 88); thence from the Point of Beginning and crossing the existing right of way of Bradley Street and with the future westerly right of way of said street, a curve turning to the right with an arc length of 10.56', with a radius of 85.00', with a chord bearing of S 46°34'34" W, with a chord length of 10.55' to a calculated point; thence with a compound curve turning to the right with an arc length of 25.12', with a radius of 23.54', with a chord bearing of S 83°01'22" W, with a chord length of 23.95' to a calculated point where the future westerly right of way line of Bradley Street intersects the existing westerly right of way line of said street; thence with the existing right of way line of Bradley Street N 05°50'33" E, 115.35' to a 5/8" Rebar w/ID cap "WCLS"; thence with the existing Bradley Street right of way for a turn-around as shown on Plat Book 138 Page 94 the following three calls:

1. N 84°09'27" W, 19.77' to a 5/8" Rebar w/ID cap "WCLS";
2. thence N 05°50'33" E, 29.03' 5/8" Rebar w/ID cap "WCLS";
3. thence with a curve turning to the left with an arc length of 29.83', with a radius of 23.00', with a chord bearing of N 51°11'35" E, with a chord length of 27.78' to a calculated point;

thence with the existing right of way line of Bradley Street as shown on Plat Bok 16 Page 10 and Plat Book 138 Page 94 N 05°50'33" E, 36.62' to a calculated point, the southeasterly corner of Lot 20-R as shown on Plat Book 136 Page 167; thence leaving said existing right of way and with the future westerly right of way of Bradley Street the following three calls:

1. S 05°06'13" W, 18.22' to a calculated point;
2. thence with a curve turning to the left with an arc length of 64.96', with a radius of 85.00', with a chord bearing of S 16°03'04" E, with a chord length of 63.39' to a calculated point;

3. thence with a reverse curve turning to the right with an arc length of 10.66', with a radius of 85.00', with a chord bearing of S 34°21'02" E, with a chord length of 10.66' to a calculated point at the intersection of the future westerly right of way of Bradley Street and the existing southerly right of way of for a turn-around of said street as shown on Plat Book 138 Page 94;

thence with said turn-around right of way line N 84°09'27" W, 0.51' to a 5/8" Rebar w/ID cap "WCLS" on the existing easterly right of way line of Bradley Street; thence with said right of way line S 05°50'33" W, 102.04', which is the point of beginning,

having an area of 0.109 acres (4,767.5 square feet).
The described area is subject to a 20' City of Asheville waterline easement as recorded in Deed Book 5143 Page's 1019, 1022, 1025, 1028, 1031, & 1034 and Plat Book 138 Page 23.
All bearings are based on NC Grid North NAD 83 (NSRS 2007) and all distances are horizontal ground distances unless otherwise noted.
The foregoing description is based on an unrecorded plat by John Wesley Cole, PLS of Wes Cole Land Surveying, PA, dated July 31, 2014, and revised on September 10, 2014, entitled "A Plat Showing Proposed Partial Closure of: Bradley Street for Fiano Properties, Inc.", Project Number: 11-007.

Legal Description for Proposed Partial Closure of Bradley Street Area #2
Beginning at a calculated point where the future easterly right of way line of Bradley Street intersects the existing right of way line for a turn-around of said street as shown on Plat Book 138 Page 94, said point of beginning being located the following two courses and distances from the terminus of the 10th call of Area #1 above: S 84°09'27" E, 19.49' and N 05°50'33" E, 23.68'; thence from the Point of Beginning and crossing the existing right of way for a turn-around of Bradley Street and with the future easterly right of way of said street with a curve turning to the left with an arc length of 7.03', with a radius of 115.00', with a chord bearing of N 36°11'37" W, with a chord length of 7.03' to a calculated point; thence with a reverse curve turning to the right with an arc length of 2.71', with a radius of 55.00', with a chord bearing of N 36°31'59" W, with a chord length of 2.71' to a calculated point at a point where the future easterly right of way line intersects the existing right of way line for a turn-around for Bradley Street; thence with said existing right of way line, a curve turning to the left with an arc length of 6.82', with a radius of 23.00', with a chord bearing of S 68°10'08" E, with a chord length of 6.79' to a 5/8" Rebar w/ID cap "WCLS"; thence S 05°50'33" W, 5.35', which is the point of beginning,

having an area of 16.05 square feet .
The described area is subject to a 20' MSD sewer easement as recorded in Deed Book 5202 Page 1809 and Plat Book 138 Page 189.
All bearings are based on NC Grid North NAD 83 (NSRS 2007) and all distances are horizontal ground distances unless otherwise noted.
The foregoing description is based on an unrecorded plat by John Wesley Cole, PLS of Wes Cole Land Surveying, PA, dated July 31, 2014.

2. The City Council hereby sets a public hearing on the question of permanently closing a portion of Bradley Street is hereby called for on October 28, 2014, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chamber, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on October 28, 2014.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned portion of Bradley Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property adjoining this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 14-228

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ENTER INTO AN AGREEMENT WITH THE US DEPARTMENT OF JUSTICE FOR THE 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the Federal and State Governments, and to enter into contracts for the administration of said grants: and

WHEREAS, the US Department of Justice (DOJ), has awarded the City of Asheville the amount of $56,677 through the Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) programs for the purchase of in-car video systems and equitable distribution of funds to Buncombe County Sheriff's Office;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the US Department of Justice, for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $56,677. APD will spend $42,143 for the purchase of In-car video systems, while BCSO will be awarded $14,534.

Read, approved, and adopted this 23rd day of September, 2014.

Magdalen Bulleson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-229

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A DOWNTOWN DEVELOPMENT AGREEMENT FOR THE 56 S. LEXINGTON AVENUE MIXED USE AND WORKFORCE HOUSING DEVELOPMENT

WHEREAS, pursuant to N.C.G.S. § 160A-458.3, the City Council may enter into a Downtown Development Agreement when it has found and determined that a Project is likely to have a significant effect on the continued revitalization of the Central Business District of the City in the form of increasing the property tax base of the City and serving as a catalyst for further development in the downtown area; and

WHEREAS, Public Interest Projects (PIP) or designee has proposed to construct an in-fill development with a mixed-use building to contain both multi-family housing and some commercial space at an estimated construction cost of $4.5 – $5.5 million on property located at 56 S. Lexington Street in downtown Asheville ("the Project"); and

WHEREAS, City Council has determined that the proposed Project will have a significant effect on the revitalization of Asheville's Central Business District by significantly increasing the property tax base of the City and serving as a catalyst for further downtown development; and

WHEREAS, the development will be comprised of 32 units of housing meeting Asheville's workforce housing rental standards, and one commercial unit; and

WHEREAS, the development will be located in a transportation efficient location, thereby providing residents with housing that addresses the joint affordability criteria of housing plus transportation; and

WHEREAS, the City's investment to bury power lines at an approximate cost of $250,000 is an investment in infrastructure that is necessary in order to make the project physically and financially feasible;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Mayor of Asheville is authorized to enter into a Downtown Development Agreement with Public Interest Partnerships or its designee in substantially the same terms presented to Council at this meeting and reflecting any changes required by Council, subject to approval as to form by the City Attorney;
2. The City Manager be, and is hereby authorized to, execute any contracts or other instruments necessary to give effect to this resolution, subject to budgetary limitations and the approval of the City Attorney

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

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RESOLUTION NO. 14-230

RESOLUTION AUTHORIZING THE CITY TO APPLY TO THE FAA FOR APPROVAL OF A PLAN OF REORGANIZATION REGARDING THE ASHEVILLE REGIONAL AIRPORT, AND TO TRANSFER PROPERTY AND OPERATIONAL RESPONSIBILITY FOR THE AIRPORT TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

WHEREAS, the City of Asheville and the County of Buncombe are parties to a interlocal agreement establishing the Asheville Regional Airport Authority, which agreement was initially entered into in 1980, and was renewed and extended in 2009, and which provides for the Authority to operate the Airport; and

WHEREAS, the City and Buncombe County are the government sponsors of the Airport, as recognized by the Federal Aviation Administration (herein "FAA"); and

WHEREAS, the City is the owner of the property on which the Airport is located, and has, since 1980, leased the property to the Authority for Airport operations; and

WHEREAS, by legislation enacted in 2012 and amended in 2014 (herein "Airport Law"), the NC General Assembly provided for the reorganization of the governance structure of the Airport by (a) establishing the Greater Asheville Regional Airport Authority (herein "GARAA"), (b) providing for the transfer of operational responsibility for the Airport, including FAA sponsorship, to GARAA, and (c) providing for the transfer of all real and personal property used for Airport purposes from the City and from Buncombe and Henderson counties to GARAA; and

WHEREAS, pursuant to FAA regulations and the Airport Law, FAA approval is required for the reorganization provided for in the Airport Law

NOW, THEREFORE, be it resolved by the City Council of the City of Asheville as follows:

1. That the City Council hereby approves of the plan of reorganization as provided for in the Airport Law, and further approves of the change in FAA-recognized sponsorship from the City and Buncombe County to GARAA:;
2. That the City Manager and City Attorney, or their designees, be and are hereby authorized and directed to take appropriate action, in consultation with Airport staff, to prepare and submit an application to the FAA to effectuate the purposes of the Airport Law;
3. That the City Manager or City Attorney, or designees, be and are hereby authorized and directed, following any required FAA approvals, to take appropriate action to transfer any real and personal property, including any financial obligations associated with said property, to GARAA;
4. That, to the extent not accomplished by 2 and 3, above, the City Manager or City Attorney, or their designees, be and are authorized to transfer any remaining responsibility for Airport operations to GARAA.

Read, approved and adopted, this the 23rd day of September, 2014.

Magdalen Bullman
City Clerk

Edwin C. Mann
Mayor

Approved as to form:

City Attorney

Magdalen Bullman
City Clerk

RESOLUTION NO. 14- 231

RESOLUTION ADOPTING A POLICY FOR NAMING OF CREEKS AND STREAMS IN ASHEVILLE

WHEREAS, the City of Asheville has a desire to have a written policy for the naming of creeks and streams that are solely within its jurisdiction; and

WHEREAS, the City of Asheville desire to partner with the community on quality of life issues like water quality and historic preservation; and

WHEREAS, The City of Asheville recognizes that there is an existing process through the United States Geographic Survey organization by which to channel community partnerships;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ASHEVILLE NORTH CAROLINA THAT:

The City Council adopts the policy attached hereto as Exhibit "A" for naming of creeks and streams in Asheville.

Any other policy or process in conflict with the attached Policy is hereby repealed.

Read, approved and adopted this 14th day of October, 2014.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

EXHIBIT "A"

CITY OF ASHEVILLE POLICY FOR THE NAMING OF CREEKS AND STREAMS

Purpose: The Asheville City Council (herein "Council") desire to have a fair and transparent process for naming of public property owned by the City and recognizes the need to also have a policy regarding the naming of creeks and streams or other natural features within the jurisdiction of the City of Asheville.

Applicability: This policy will be used for creeks and streams that are located within the City of Asheville's municipal boundaries. This policy may be used to name other natural features, if Council wishes to do so.

Policy:

A. A community group or organization wishing to name a creek or stream in Asheville's jurisdictional boundaries shall use the USGS Domestic Geographic Name Proposal system.

B. Before performing any official outreach activities, the community group shall contact the City of Asheville's Communication and Public Engagement Office to notify staff of their intent and to request a meeting to initiate the City's participation in the naming process.

C. At that meeting, the group or organization will work with City staff to agree on a public engagement strategy (to solicit and gain input on potential names), and to identify the appropriate City advisory board that will advise Council on the community group's winning name. City staff person shall then forward the information to the appropriate City advisory board's staff liaison.

D. The community group will execute the agreed upon engagement process prepared with City staff, and the City will support and leverage their efforts by using public engagement tools such as City website, blogs, and other City methods of providing public information.

E. The community group will work with the staff liaison for the identified advisory board to request consideration of the preferred name, and to then request Council consideration to authorize the City Manager to sign the USGS Domestic Geographic Name Proposal System form.

F. This policy is only a guide and nothing shall be construed so as to limit Council's authority to use its discretion to alter the process based on facts and circumstances surrounding the issue.

RESOLUTION NO. 14- 232

RESOLUTION TO AUTHORIZE CITY MANAGER TO SIGN UNITED STATES GEOLOGICAL SURVEY APPLICATION TO NAME CREEK IN WEST ASHEVILLE "PENLAND CREEK"

WHEREAS, the City of Asheville believes that a transparent, well-researched and community driven process was performed by RiverLink in efforts to name this creek; and

WHEREAS, The City of Asheville has received a recommendation from the Asheville Area Riverfront Redevelopment Commission to support "Penland Creek" as the name for this French Broad River tributary; and

WHEREAS, The City of Asheville recognizes that a local government official must sign the United States Geographic Survey (USGS) form in order for the community's efforts to be successful;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ASHEVILLE NORTH CAROLINA THAT:

The City Council authorizes the City Manager to sign the USGS form certifying support for the naming of the creek in West Asheville that runs along Waynesville Avenue, through the New Belgium site, and into the French Broad River as "Penland Creek".

Read, approved and adopted this 14th day of October, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-233

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH COOPER CONSTRUCTION COMPANY, INC., FOR THE VAULT RENEWALS AND ZONE METERING PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Vault Renewals and Zone Metering Project; and

WHEREAS, Cooper Construction Company, Inc., of Asheville, NC, was the lowest responsible, responsive bidder for the Project, in the amount of $1,287,380, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves 40 job sites located at various locations within the City of Asheville's Water System and consists of the installation of zone meter vaults with SCADA improvements and appurtenances. Additionally, there are improvements to be constructed at multiple customer meter points of service throughout the water system. These improvements include vault improvements, vault replacements, meter installations and appurtenances; and

WHEREAS, the bids have been reviewed by the Water Resources Department, Cavanaugh and Associates PA, and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.

2. City Council hereby authorizes a budget amendment to transfer funds from the Pump Station Meters Project to fund part of the construction contract and to combine two capital projects into one project.

3. The City Manager is hereby authorized to execute the contract with Cooper Construction Company, Inc., for the bid amount of $1,287,380. City Council also grants approval of a contingency amount of $128,738 for a total project budget in the amount of $1,416,118 for the Vault Renewals and Zone Metering Project. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 14th day of October, 2014.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

Exhibit A

CAVANAUGH
Stewardship Through Innovation

BID TABULATION

City of Asheville Vault Renewals and Zone Metering
Date: Sept. 23, 2014 Time: 10:00 AM
Location: Water Admin., Mezzanine Conf. Room

Bid Tabulation

Item	DESCRIPTION	QUANTITY	UNITS	Cooper Const. Company		*Pipeline Utilities Inc. (NR)	
				UNIT COST	TOTAL	UNIT COST	TOTAL
	Vault Renewals						
V1	Asheville School	1	LS	$26,600	$26,600	$24,875	$24,875
V2	Battery Park Senior Housing	1	LS	$27,600	$27,600	$37,279	$37,279
V3	Biltmore Forest	1	LS	$51,700	$51,700	$39,094	$39,094
V4	Buncombe Transfer Station	1	LS	$32,600	$32,600	$27,435	$27,435
V5	Colbond	1	LS	$28,400	$28,400	$30,300	$30,300
V6	Pack Place Ed. Center	1	LS	$25,150	$25,150	$21,590	$21,590
V7	Pisgah Manor	1	LS	$25,000	$25,000	$22,387	$22,387
V8	Renaissance Hotel	1	LS	$23,500	$23,500	$17,647	$17,647
V9	Timbers HOA (Beaverdam)	1	LS	$29,100	$29,100	$30,405	$30,405
V10	Vanderbilt Apts (US Cell Center)	1	LS	$31,150	$31,150	$38,981	$38,981
V11	Whispering Pines	1	LS	$27,100	$27,100	$22,000	$22,000
	Zone Meters						
Z1	Allen Mountain PS	1	LS	$24,550	$24,550	$44,000	$44,000
Z2	Avondale PS	1	LS	$23,500	$23,500	$44,000	$44,000
Z3	Beaverdam PS	1	LS	$36,150	$36,150	$62,000	$62,000
Z4	Biltmore Lake PS	1	LS	$22,300	$22,300	$48,000	$48,000
Z5	Cedarwood PS	1	LS	$26,000	$26,000	$45,000	$45,000
Z6	Deaverview CV	1	LS	$45,700	$45,700	$73,186	$73,186
Z7	Duckers West PS	1	LS	$22,400	$22,400	$50,000	$50,000
Z8	Eastmoor PS	1	LS	$26,700	$26,700	$45,000	$45,000
Z9	Enka Lake PS	1	LS	$27,600	$27,600	$47,000	$47,000
Z10	Fairview Downs PS	1	LS	$28,000	$28,000	$44,736	$44,736
Z11	Gaston Mountain PS	1	LS	$23,500	$23,500	$45,370	$45,370
Z12	Grovestone PS	1	LS	$25,500	$25,500	$47,906	$47,906
Z13	Haw Creek PS	1	LS	$27,750	$27,750	$46,064	$46,064
Z14	Lutherridge PS	1	LS	$26,250	$26,250	$45,370	$45,370
Z15	Mount Royal PS	1	LS	$26,000	$26,000	$45,578	$45,578
Z16	Patton Mountain PS	1	LS	$32,550	$32,550	$47,882	$47,882
Z17	Peach Knob PS	1	LS	$29,000	$29,000	$45,656	$45,656
Z18	Poplar Ridge # 1 PS	1	LS	$24,300	$24,300	$45,370	$45,370
Z19	Reynolds Mountain # 1 PS	1	LS	$15,250	$15,250	$39,869	$39,869
Z20	Riceville PS	1	LS	$24,850	$24,850	$43,828	$43,828
Z21	South Buncombe PS	1	LS	$34,650	$34,650	$50,984	$50,984
Z22	South Tunnel Rd. CV	1	LS	$46,550	$46,550	$69,915	$69,915
Z23	South Cliff PS	1	LS	$19,650	$19,650	$48,926	$48,926
Z24	Spivey Mountain PS	1	LS	$30,600	$30,600	$51,193	$51,193
Z25	Walnut Cove # 1	1	LS	$38,700	$38,700	$51,704	$51,704
Z26	Whispering Pines PS	1	LS	$26,200	$26,200	$45,370	$45,370
Z27	Youngs Cove PRV	1	LS	$56,510	$56,510	$78,000	$78,000
Z28	Lower Sondley PRV	1	LS	$54,350	$54,350	$78,000	$78,000
Z29	Weston Road PRV	1	LS	$54,350	$54,350	$78,000	$78,000
	TOTAL BASE BID				$1,227,310.00		$1,819,900
	TOTAL ALLOWANCES				$60,070.00		$69,100
	TOTAL BASE BID + ALLOWANCES				$1,287,380.00		* $1,889,000.00
	LOW BIDDER	***Cooper Construction Company***					

* Indicates non-responsive bid

I, Tory N. Wagoner, P.E. do hereby certify that this bid tabulation is complete and accurate to the best of my knowledge and belief.

9/24/14

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RESOLUTION NO. 14-234

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED ADOPT-A-PARK AGREEMENT WITH JUST FOLKS THAT INCLUDES A WAIVER OF PERMIT FEES IN ADDITION TO THE ORIGINAL WAIVER OF PARK USE FEES OF UP TO $2,500 FOR FY 2014-2015

WHEREAS, the City of Asheville has entered into an Adopt-a-Park Agreement with Just Folks to promote positive activities that reduce nuisance behaviors in and around the Triangle Park area; and

WHEREAS, the programs and events organized by Just Folks focus on community-building and have improved the appearance of the park, making it more attractive to downtown visitors and community members; and

WHEREAS, Just Folks is providing quality cultural programming and diversity in a city park not generally used for this purpose;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign the amended Adopt-a-Park agreement with Just Folks to waive park use and permit fees of up to $2,500 for FY 2014-2015 for the use of Triangle Park for community-building events that benefit the Eagle/Market Streets area and the community.

Read, approved and adopted this 14th day of October, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-235

RESOLUTION AUTHORIZING THE ADOPTION OF THE 2013 LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355(l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Asheville (PWSID #: 01-11-010), has been developed and submitted to the Asheville City Council for approval; and

WHEREAS, the Asheville City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355(l) and that it will provide appropriate guidance for the future management of water supplies for the City of Asheville, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The 2013 Local Water Supply Plan for the City of Asheville is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

2. That the Asheville City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Read, approved and adopted this 14th day of October, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

Asheville

2013

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

1. System Information

Contact Information

Water System Name:	Asheville	PWSID:	01-11-010
Mailing Address:	PO Box 7148 Asheville, NC 28802	Ownership:	Municipality
Contact Person:	Steve Shoaf	Title:	Water Resources Director
Phone:	828-259-5959	Fax:	828-259-5710
Secondary Contact:	Audran Stephens	Phone:	828-259-5972
Mailing Address:	PO Box 7148 Asheville, NC 28802	Fax:	828-259-5710

Distribution System

Line Type	Size Range (Inches)	Estimated % of lines
Asbestos Cement	6-8	1.00 %
Cast Iron	6-24	52.00 %
Ductile Iron	6-24	24.00 %
Galvanized Iron	2-4	19.00 %
Other	14-36	2.00 %
Polyvinyl Chloride	2-12	2.00 %

What are the estimated total miles of distribution system lines? 1,672 Miles
How many feet of distribution lines were replaced during 2013? 22,989 Feet
How many feet of new water mains were added during 2013? 30,454 Feet
How many meters were replaced in 2013? 2,830
How old are the oldest meters in this system? 15 Year(s)
How many meters for outdoor water use, such as irrigation, are not billed for sewer services? 473
What is this system's finished water storage capacity? 26.498 Million Gallons
Has water pressure been inadequate in any part of the system since last update? Yes

The estimated total miles of distribution system lines is based on current GIS data. There are 47 pressure zones in the water system, ranging from 20 to 643 psi with an average of 180-200 psi.

Programs

Does this system have a program to work or flush hydrants? Yes, Annually
Does this system have a valve exercise program? Yes, 2 Years or More
Does this system have a cross-connection program? Yes
Does this system have a program to replace meters? Yes
Does this system have a plumbing retrofit program? No
Does this system have an active water conservation public education program? Yes
Does this system have a leak detection program? Yes

There is a maintenance crew of eight (8) employees dedicated to repair and exercise valves and conduct leak detection. The leak detection and valve exercising programs are run by mapping grid and conducted with advanced valve exercising and leak detection equipment. The equipment includes Wach's, Flow Metrix, DigiCorr, L-mic, and pod-type listening apparatus. Valves are also exercised as needed during water line breaks and other routine and scheduled maintenance. The Cross-Connection Program consists of two (2) Backflow and Cross-Connection Inspectors who audit the water system in accordance with the Water Resources Department's Cross-Connection Control Policy. Certified backflow testers and state-approved Operator Responsible In Charge cross-connection classes are held on an annual basis to ensure compliance with state and local regulations. The department partners with Land-of-Sky Regional Council's Waste Reduction Partners to conduct commercial water audits and to provide assistance to area schools interested in pursuing student water education program. Tours are also conducted at the main water treatment facility.

Water Conservation

What type of rate structure is used? Decreasing Block, Uniform
How much reclaimed water does this system use? 0.000 MGD For how many connections? 0
Does this system have an interconnection with another system capable of providing water in an emergency? Yes

Uniform rate structure is used for single-family residential, multi-family residential, and wholesale/bulk customers. Decreasing block structure is used for commercial and manufacturing customers. Interconnections with other systems capable of providing water in an emergency exist between the Town of Black Mountain, City of Hendersonville, Town of Weaverville, and Woodfin Sanitary Water & Sewer District.

2. Water Use Information

Service Area

Sub-Basin(s)	% of Service Population	County(s)	% of Service Population
French Broad River (05-2)	100 %	Buncombe	98 %
		Henderson	2 %

What was the year-round population served in 2013? 125,000

Has this system acquired another system since last report? No

Water Use by Type

Type of Use	Metered Connections	Metered Average Use (MGD)	Non-Metered Connections	Non-Metered Estimated Use (MGD)
Residential	49,718	7.728	0	0.000
Commercial	3,472	3.544	0	0.000
Industrial	11	0.164	0	0.000
Institutional	646	1.550	0	0.000

How much water was used for system processes (backwash, line cleaning, flushing, etc.)? 0.243 MGD

Residential includes Single Family, Multi-Family, Permanent Extension (Hardship), and Irrigation. Industrial includes the new Manufacturing rate class. Institutional includes Church, Government, Hospital, Medical, School, and Wholesale.

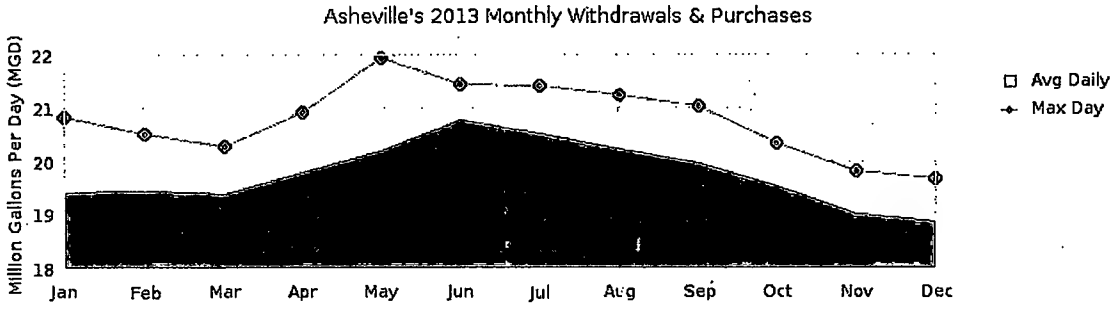
Water Sales

Purchaser	PWSID	Average Daily Sold (MGD)	Days Used	Contract MGD	Contract Expiration	Contract Recurring	Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
City of Hendersonville	01-45-010	0.000	0	0.000	2026	No	Yes	14	Emergency
Town of Biltmore Forest	01-11-030	0.134	365	0.350	2022	Yes	Yes	6, 8	Regular
Town of Black Mountain	01-11-020	0.128	365	0.800		Yes	Yes	8	Regular
Town of Weaverville	01-11-025	0.000	0	0.000		Yes	No	8	Emergency
Woodfin Sanitary Water & Sewer District	01-11-015	0.236	365	1.000	2026	Yes	Yes	8	Regular

3. Water Supply Sources

Monthly Withdrawals & Purchases

	Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)
Jan	19.410	20.840	May	20.200	21.950	Sep	19.970	21.040
Feb	19.430	20.530	Jun	20.780	21.460	Oct	19.530	20.340
Mar	19.370	20.280	Jul	20.520	21.420	Nov	19.000	19.810
Apr	19.800	20.930	Aug	20.240	21.250	Dec	18.850	19.660



Surface Water Sources

Stream	Reservoir	Average Daily Withdrawal	Maximum Day Withdrawal (MGD)	Available Raw Water Supply	Usable On-Stream Raw Water Supply

		MGD	Days Used		MGD	* Qualifier	Storage (MG)
Bee Tree Creek	Bee Tree	3.052	365	3.270	3.200	SY50	512.000
Mills and French Broad Rivers	N/A	3.180	365	7.120	27.000	F	0.000
North Fork of Swannanoa	Burnette	14.057	365	15.420	31.000	SY50	5,600.000

* Qualifier: C=Contract Amount, SY20=20-year Safe Yield, SY50=50-year Safe Yield, F=20% of 7Q10 or other instream flow requirement, CUA=Capacity Use Area Permit

Surface Water Sources (continued)

Stream	Reservoir	Drainage Area (sq mi)	Metered?	Sub-Basin	County	Year Offline	Use Type
Bee Tree Creek	Bee Tree	8	Yes	French Broad River (05-2)	Buncombe		Regular
Mills and French Broad Rivers	N/A	74	Yes	French Broad River (05-2)	Henderson		Regular
North Fork of Swannanoa	Burnette	22	Yes	French Broad River (05-2)	Buncombe		Regular

What is this system's off-stream raw water supply storage capacity? 15 Million gallons

Are surface water sources monitored? Yes, Daily

Are you required to maintain minimum flows downstream of its intake or dam? No

Does this system anticipate transferring surface water between river basins? No

The Mills River WTP has an off-stream raw water supply storage capacity of 15 million gallons. The North Fork and William DeBruhl WTPs do not have off-stream raw water supply storage.

Water Purchases From Other Systems

Seller	PWSID	Average Daily Purchased (MGD)	Days Used	Contract MGD	Contract Expiration	Contract Recurring	Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
City of Hendersonville	01-45-010	0.000	0	0.000		Yes	Yes	24	Emergency
Town of Black Mountain	01-11-020	0.000	0				Yes	6	Emergency
Town of Weaverville	01-11-025	0.000	0			Yes	Yes	8	Emergency
Woodfin Sanitary Water & Sewer District	01-11-015	0.000	0	1.000	2026	Yes	Yes	8	Emergency

Asheville did not purchase from other water systems in 2013.

Water Treatment Plants

Plant Name	Permitted Capacity (MGD)	Is Raw Water Metered?	Is Finished Water Ouput Metered?	Source
Mills River WTP	7.500	Yes	Yes	Mills and French Broad Rivers
North Fork WTP	31.000	Yes	Yes	Burnette Reservoir
William DeBruhl	5.000	Yes	Yes	Bee Tree Reservoir

Did average daily water production exceed 80% of approved plant capacity for five consecutive days during 2013? No

If yes, was any water conservation implemented?

Did average daily water production exceed 90% of approved plant capacity for five consecutive days during 2013? No

If yes, was any water conservation implemented?

Are peak day demands expected to exceed the water treatment plant capacity in the next 10 years? No

4. Wastewater Information

Monthly Discharges

	Average Daily Discharge (MGD)		Average Daily Discharge (MGD)		Average Daily Discharge (MGD)
Jan	26.300	May	29.300	Sep	20.800
Feb	23.000	Jun	26.000	Oct	19.700
Mar	22.400	Jul	37.700	Nov	24.300
Apr	25.200	Aug	24.100	Dec	19.500

How many sewer connections does this system have? 50,950

How many water service connections with septic systems does this system have? 12,604

Are there plans to build or expand wastewater treatment facilities in the next 10 years? No

This is discharge information for the Metropolitan Sewerage District (MSD) of Buncombe County, permit # 0024911. MSD also provided the number of sewer connections and comment that there are no plans to build or expand wastewater treatment facilities in the next 10 years.

Wastewater Permits

Permit Number	Permitted Capacity (MGD)	Design Capacity (MGD)	Average Annual Daily Discharge (MGD)	Maximum Day Discharge (MGD)	Receiving Stream	Receiving Basin
NC0035807	4.760	4.760	0.156	0.305	North Fork of Swannanoa	French Broad River (05-2)
NC0056961	0.800	0.800	0.043	0.550	Bee Tree Creek	French Broad River (05-2)
NC0085511	1.000	1.000	0.053	0.116	French Broad River	French Broad River (05-2)

This is the wastewater information for the City of Asheville's three (3) water treatment plants.

Wastewater Interconnections

Water System	PWSID	Type	Average Daily Amount		Contract Maximum (MGD)
			MGD	Days Used	
Metropolitan Sewerage District	00-00-000	Discharging	24.606	365	0.000

5. Planning

Projections

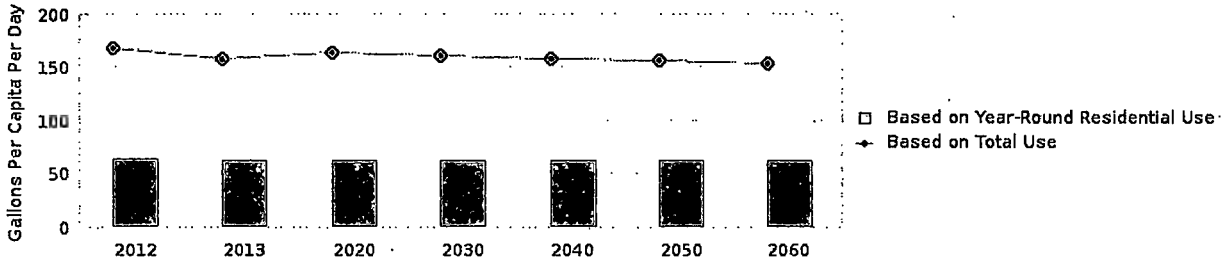
	2013	2020	2030	2040	2050	2060
Year-Round Population	125,000	135,357	149,518	165,161	182,441	201,528
Seasonal Population	0	0	0	0	0	0
Residential	7.728	8.368	9.244	10.211	11.279	12.459
Commercial	3.544	3.838	4.239	4.683	5.173	5.714
Industrial	0.164	0.171	0.179	0.189	0.198	0.208
Institutional	1.550	1.678	1.854	2.048	2.262	2.499
System Process	0.243	0.275	0.304	0.336	0.371	0.410
Unaccounted-for	6.562	7.854	8.256	8.678	9.122	9.588

The department's Non-Revenue Water (NRW) Team continues to establish operational procedures for managing and controlling water loss due to leakage, water theft, and metering inaccuracies. Cavanaugh & Associates are still under contract to assist with a comprehensive water audit.

Demand v/s Percent of Supply

	2013	2020	2030	2040	2050	2060
Surface Water Supply	61.200	61.200	61.200	61.200	61.200	61.200
Ground Water Supply	0.000	0.000	0.000	0.000	0.000	0.000
Purchases	0.000	0.000	0.000	0.000	0.000	0.000
Future Supplies		0.000	0.000	0.000	0.000	0.000
Total Available Supply (MGD)	61.200	61.200	61.200	61.200	61.200	61.200
Service Area Demand	19.791	22.184	24.076	26.145	28.405	30.878
Sales	0.498	2.150	2.150	2.150	2.150	2.150
Future Sales		0.000	0.000	0.000	0.000	0.000
Total Demand (MGD)	20.289	24.334	26.226	28.295	30.555	33.028
Demand as Percent of Supply	33%	40%	43%	46%	50%	54%

Asheville's Projected Gallons Per Capita Per Day (GPCD) Over Time



The purpose of the above chart is to show a general indication of how the long-term per capita water demand changes over time. The per capita water demand may actually be different than indicated due to seasonal populations and the accuracy of data submitted. Water systems that have calculated long-term per capita water demand based on a methodology that produces different results may submit their information in the notes field.

Your long-term water demand is 62 gallons per capita per day. What demand management practices do you plan to implement to reduce the per capita water demand (i.e. conduct regular water audits, implement a plumbing retrofit program, employ practices such as rainwater harvesting or reclaimed water)? If these practices are covered elsewhere in your plan, indicate where the practices are discussed here.

Are there other demand management practices you will implement to reduce your future supply needs? N/A

What supplies other than the ones listed in future supplies are being considered to meet your future supply needs? N/A

How does the water system intend to implement the demand management and supply planning components above? N/A

Additional Information

Has this system participated in regional water supply or water use planning? Yes, A consulting firm completed the Water System Master Plan in 2009 to project area growth and system expansion needed to accommodate that projected growth. The Water Resources Department also has a representative on the French Broad River Water Resources Study Committee chaired by the Land-of-Sky Regional Council. The committee is evaluating the available water resources and challenges facing western North Carolina in the French Broad drainage basin.

What major water supply reports or studies were used for planning? What major water supply reports or studies were used for planning? 2009 Water System Master Plan Update;
2006 City of Asheville Water Resources Department Distribution System Capital Improvement Projects List; and
Drought Model

Please describe any other needs or issues regarding your water supply sources, any water system deficiencies or needed improvements (storage, treatment, etc.) or your ability to meet present and future water needs. Include both quantity and quality considerations, as well as financial, technical, managerial, permitting, and compliance issues: Please describe any other needs or issues regarding your water supply sources, any water system deficiencies or needed improvements (storage, treatment, etc.) or your ability to meet present and future water needs. Include both quantity and quality considerations, as well as financial, technical, managerial, permitting, and compliance issues: The 2009 Water System Master Plan Update projects the total system demand in 2037 will be 41 MGD, which exceeds the current treatment capacity. These projects are in the Master Plan to be completed in the future: (1) By 2012, 6 Pipeline Projects for $4,740,000 and the Walnut Cove Pump Replacement for $292,000, (2) By 2017, 4 Pipeline Projects for $5,892,000 and a new Mills Gap Pump Station for $1,556,000, and (3) By 2037, 4 Pipeline Projects for $10,797,000 and Additional Water Treatment Capacity for $37,172,000. Those estimates are in 2008 dollars, so the amount is expected to increase by approximately 3-4% each year until replaced. Starting in fiscal year 2011-12, the Water Resources Department started earmarking funding for Water System Master Plan projects. Several projects are anticipated to address improvements to the North Fork reservoir dam.

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

RESOLUTION NO. 14-236

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC. FOR THE PROJECT KNOWN AS LAKESHORE DRIVE SIDEWALK IMPROVEMENTS, CITY OF ASHEVILLE PROJECT #ENG-11-12-013

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Lakeshore Dr. Sidewalk Improvements; and

WHEREAS, Patton Construction Group, Inc., Asheville, NC was the lowest responsive, responsible bidder for the project; and

WHEREAS, Patton Construction Group, Inc., shall provide all labor, material, equipment, etc. for the installation of curbing, sidewalks, drive aprons, ADA ramps, raised pedestrian crosswalk, etc as described in the service contract; and

WHEREAS, the amount of the Agreement is $207,760.00 and the monies have been budgeted in the Public Works Department's 2014-2015 Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Patton Construction Group, Inc., for $207,760 plus 15% contingency for the project known as Lakeshore Drive Sidewalk Improvements, City of Asheville Project #ENG-11-12-013, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount of $260,425.04.

Read, approved and adopted this the 14th day of October, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14-237

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER FOR AN EXISTING CONTRACT WITH MCGILL ASSOCIATES FOR THE PURPOSE OF PERFORMING PROFESSIONAL SERVICES FOR THE STORMWATER ON-CALL CONTRACT

WHEREAS, on June 14, 2013, the City Manager enter into a professional services contract agreement with McGill Associates for the Stormwater On-Call Professional Services Contract; and

WHEREAS, the City wishes to continue the design efforts for stormwater related projects and perform construction inspection during the construction of the project; and

WHEREAS, the contract change order will exceed the authority of the City Manager and must be approved by City Council; and

WHEREAS, the City's goal is to continue to be more aggressive with stormwater related projects;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a change order with McGill Associates for the purpose of performing professional services for the stormwater on-call contract. The total professional services contract is not to exceed $214,000.

Read, approved and adopted this the 14th day of October, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-238

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE, INC. FOR THE PROJECT KNOWN AS CONCRETE REPAIR – UTILITY CUTS, CITY OF ASHEVILLE PROJECT # SP-14-15-001

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Concrete Repair – Utility Cuts, City of Asheville Project # SP-14-15-001; and

WHEREAS, Appalachian Paving and Concrete, Inc. of Asheville, NC was the lowest responsible bidder for the project, in the amount of $257,183.75, and

WHEREAS, the project involves the repair of concrete infrastructure that has been damaged during the installation of utilities; and

WHEREAS, bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $257,183.75 plus a contingency $42,816.25 (17%) with Appalachian Paving and Concrete Inc. for the project known as Concrete Repair – Utility Cuts, City of Asheville Project # SP-14-15-001.

Read, approved and adopted this the 14th day of October, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 14-239

RESOLUTION CREATING A MUNICIPAL SERVICE DISTRICT, TO BE KNOWN AS THE RIVER ARTS DISTRICT INNOVATION DISTRICT

WHEREAS, the City of Asheville has the authority pursuant to Article 23 of Chapter 160A of the North Carolina General Statutes to create municipal service districts (MSDs) for the purposes of providing additional services, functions or facilities within such districts; and

WHEREAS, the River Arts District is recognized as an up and coming economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the River Arts District is critical to all citizens; and

WHEREAS, the City Council of the City of Asheville adopted the Wilma Dykeman River Way Master Plan in June 2004, which recommended significant infrastructure improvements be made in this area in order to support urban revitalization, as well as the River Redevelopment Master Plan adopted in September 2014 which has the goal of providing infrastructure to support increased density and growth of the area; and

WHEREAS, in order to meet the aforementioned goal of enhancing and revitalizing this area, it has been determined that the City should invest in infrastructure related capital improvements for this area; and

WHEREAS, it has been determined that the best way to finance such infrastructure projects is to utilize Special Obligations Bonds (SOBs) and one of the requirements of SOBs is that they can only be used for projects that are contained within an adopted Municipal Service District and that, therefore, the creation of a municipal service district for the River Arts District area is necessary; and

WHEREAS, while pursuant to N.G. Gen. Stat. sec. 160A-542, a city may levy property taxes within established municipal service districts in addition to those levied throughout the city, in order to finance, provide or maintain for the district services, it is not the intent of this City Council to levy additional taxes in the proposed municipal service district in order to finance the proposed improvements, rather the intent is to utilize special obligation bonds as a financing mechanism for these improvements; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedures for establishing a municipal service district including the preparation of a report regarding the proposed MSD which will include a map of proposed boundaries, a statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536; and

WHEREAS, on August 26, 2014, City Council adopted Resolution No. 14-176 to set the public hearing for the creation of a Municipal Service District for the River Arts District; and

WHEREAS, the Report for the creation of a Municipal Service District for the River Arts District has been available for public inspection in the Office of the City Clerk since September 15, 2014; and

WHEREAS, the procedures in N.C.Gen. Stat. sec. 160A-537 also require that the City Council shall hold a public hearing before adopting any resolution establishing a new MSD and shall mail notice of said hearing at least four weeks before the date of the hearing to owners of all property located within the proposed district and also to publish notice of the public hearing at least one week in advance of the hearing; and

WHEREAS, the required notice was mailed to all property owners within the proposed River Arts District MSD on September 15, 2014, and notice of the public hearing on this matter was also published in the Asheville Citizen Times on October 3, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE AS FOLLOWS:

1. That a municipal service district, to be known as the River Arts District Innovation District, is hereby established effective upon date of adoption.

2. That the boundary of said district shall be as shown in the map attached hereto as **Exhibit A** and incorporated herein by reference, and maintained in the Office of the City Clerk.

3. That the improvements to be provided within said district include, but are not limited to the following:
   - Improving infrastructure to include sidewalks, bike facilities, greenways and improved roadway access.
   - Improvements in domestic and storm water lines to replace or install old or non-existent services.
   - Undergrounding utility lines to improve pedestrian access in the area.
   - Streetscape, way-finding and place-making improvements.

4. It is anticipated that special obligation bonds are to be authorized in order to finance, provide or maintain the aforementioned improvements within the district. It is the express intent of this City Council to only utilize special obligation bonds to finance the improvements. If, in the future, pursuant to N.C. Gen. Stat. sec. 160A-542, the City proposes to finance, provide or maintain any improvements or services through the levy of an additional tax on property within the district, it is understood and agreed that such a

proposal would require further action by City Council at a separate public hearing.

Read, approved, and adopted this 14th day of October, 2014.

Magdalen Burleson
CITY CLERK

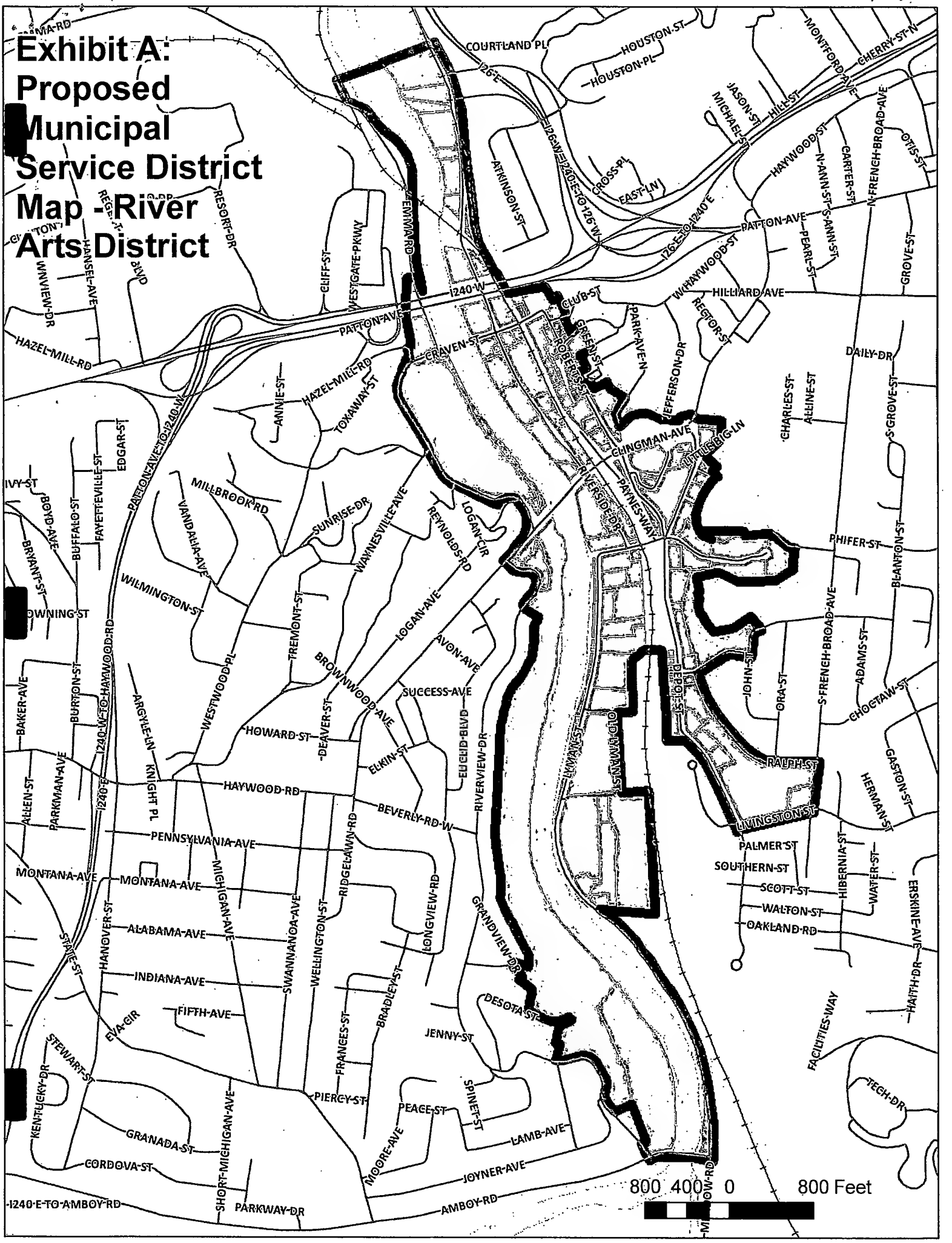
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

Exhibit A: Proposed Municipal Service District Map - River Arts District



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RESOLUTION NO. 14-240

RESOLUTION CREATING A MUNICIPAL SERVICE DISTRICT, TO BE KNOWN AS THE SOUTH SLOPE EXTENSION INNOVATION DISTRICT

WHEREAS, the City of Asheville has the authority pursuant to Article 23 of Chapter 160A of the North Carolina General Statutes to create municipal service districts (MSDs) for the purposes of providing additional services, functions or facilities within such districts; and

WHEREAS, the South Slope is recognized as an up and coming economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the South Slope is critical to all citizens; and

WHEREAS, the City Council of the City of Asheville adopted the Downtown Master Plan in May 2009, which recognized the South Slope area as a distinct place, and recommended cultivating that distinct place as a major southern gateway to downtown; and

WHEREAS, in order to meet the aforementioned goal of enhancing and revitalizing this area, it has been determined that the City should invest in infrastructure related capital improvements for this area; and

WHEREAS, it has been determined that the best way to finance such infrastructure projects is to utilize Special Obligations Bonds (SOBs) and one of the requirements of SOBs is that they can only be used for projects that are contained within an adopted Municipal Service District and that, therefore, the creation of a municipal service district for the South Slope Extension area is necessary; and

WHEREAS, while pursuant to N.G. Gen. Stat. sec. 160A-542, a city may levy property taxes within established municipal service districts in addition to those levied throughout the city, in order to finance, provide or maintain for the district services, it is not the intent of this City Council to levy additional taxes in the proposed municipal service district in order to finance the proposed improvements, rather the intent is to utilize special obligation bonds as the financing mechanism; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedures for establishing a municipal service district including the preparation of a report regarding the proposed MSD which will include a map of proposed boundaries, a statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536; and

WHEREAS, on August 26, 2014, City Council adopted Resolution No. 14-175 to set the public hearing for the creation of a Municipal Service District for the South Slope; and

WHEREAS, the Report for the creation of a Municipal Service District for the South Slope has been available for public inspection in the Office of the City Clerk since September 15, 2014; and

WHEREAS, said report has been prepared for the proposed South Slope Extension municipal service district and has been available for public inspection in the Office of the City Clerk since September 15, 2014; and

WHEREAS, the procedures in N.C. Gen. Stat. sec. 160A-537 also require that the City Council shall hold a public hearing before adopting any resolution establishing a new MSD and shall mail notice of said hearing at least four weeks before the date of the hearing to owners of all property located within the proposed district and also to publish notice of the public hearing at least one week in advance of the hearing; and

WHEREAS, the required notice was mailed to all property owners within the proposed South Slope Extension MSD on September 15, 2014 and notice of the public hearing on this matter was also published in the Asheville Citizen Times on October 3, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE AS FOLLOWS:

1. That a municipal service district, to be known as the South Slope Extension Innovation District, is hereby established effective upon date of adoption.

2. That the boundary of said district shall be as shown in the map attached hereto as **Exhibit A** and incorporated herein by reference, and maintained in the Office of the City Clerk.

3. That the improvements to be provided within said district include, but are not limited to the following:
   - Improving infrastructure to include sidewalks, bike facilities, greenways and improved roadway access.
   - Improvements in domestic and storm water lines to replace or install old or non-existent services.
   - Undergrounding utility lines to improve pedestrian access in the area.
   - Streetscape, way-finding and place-making improvements.

4. It is anticipated that special obligation bonds are to be authorized in order to finance, provide or maintain the aforementioned improvements within the district. It is the express intent of this City Council to only utilize

special obligation bonds to finance the improvements. If, in the future, pursuant to N.C. Gen. Stat. sec. 160A-542, the City proposes to finance, provide or maintain any improvements or services through the levy of an additional tax on property within the district, it is understood and agreed that such a proposal would require further action by City Council at a separate public hearing.

Read, approved, and adopted this 14th day of October, 2014.

Magdalen Bouleson
CITY CLERK

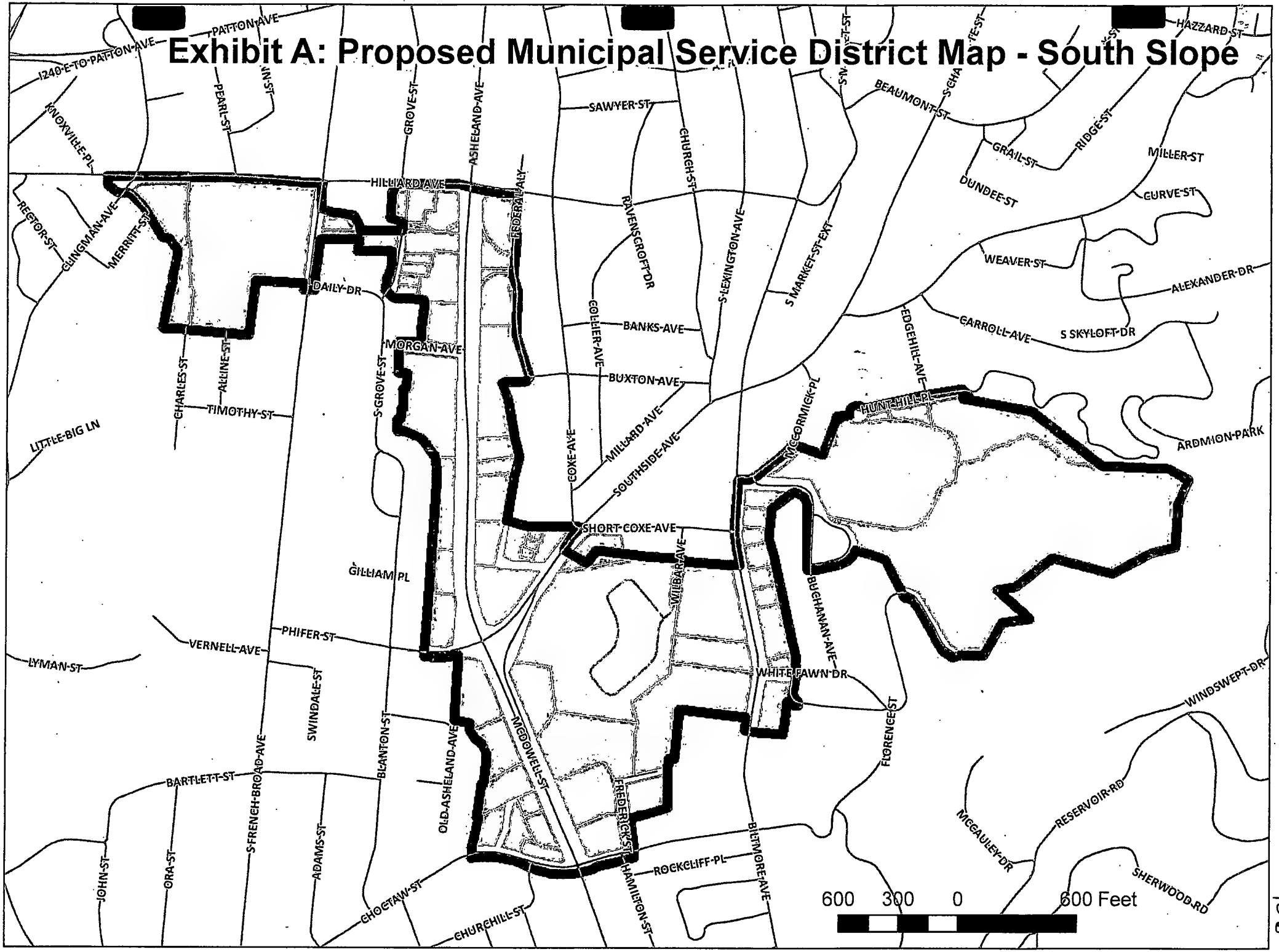
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

Exhibit A: Proposed Municipal Service District Map - South Slope



407

RESOLUTION NO. 14-241

RESOLUTION CREATING A MUNICIPAL SERVICE DISTRICT, TO BE KNOWN AS THE CHARLOTTE STREET CORRIDOR INNOVATION DISTRICT

WHEREAS, the City of Asheville has the authority pursuant to Article 23 of Chapter 160A of the North Carolina General Statutes to create municipal service districts (MSDs) for the purposes of providing additional services, functions or facilities within such districts; and

WHEREAS, the Charlotte Street Corridor is recognized as an economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the enhanced urban vitality of the Charlotte Street Corridor is critical to all citizens; and

WHEREAS, as a mixed-use corridor with both residential and commercial activity, and as a primary gateway to downtown Asheville, the Charlotte Street Corridor area is in need of increased and improved bicycle and pedestrian transportation routes and related improvements; and

WHEREAS, in order to meet the aforementioned goal of enhancing and revitalizing this area, it has been determined that the City should invest in infrastructure related capital improvements for this area; and

WHEREAS, it has been determined that the best way to finance such infrastructure projects is to utilize Special Obligations Bonds (SOBs) and one of the requirements of SOBs is that they can only be used for projects that are contained within an adopted Municipal Service District and that, therefore, the creation of a municipal service district for the Charlotte Street Corridor area is necessary; and

WHEREAS, while pursuant to N.C. Gen. Stat. sec.160A-542, a city may levy property taxes within established municipal service districts in addition to those levied throughout the city, in order to finance, provide or maintain for the district services, it is not the intent of this City Council to levy additional taxes in the proposed municipal service district in order to finance the proposed improvements, rather the intent is to utilize special obligation bonds as a financing mechanism for these improvements; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedures for establishing a municipal service district including the preparation of a report regarding the proposed MSD which will include a map of proposed boundaries, a statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536; and

WHEREAS, on August 26, 2014, City Council adopted Resolution No. 14-177 to set the public hearing for the creation of a Municipal Service District for the Charlotte Street Corridor; and

WHEREAS, the Report for the creation of a Municipal Service District for the Charlotte Street Corridor has been available for public inspection in the Office of the City Clerk since September 15, 2014; and

WHEREAS, said report has been prepared for the proposed Charlotte Street Corridor municipal service district and has been available for public inspection in the Office of the City Clerk since September 15, 2014; and

WHEREAS, the procedures in N.C. Gen. Stat. sec. 160A-537 also require that the City Council shall hold a public hearing before adopting any resolution establishing a new MSD and shall mail notice of said hearing at least four weeks before the date of the hearing to owners of all property located within the proposed district and also to publish notice of the public hearing at least one week in advance of the hearing; and

WHEREAS, the required notice was mailed to all property owners within the proposed Charlotte Street Corridor MSD on September 15, 2014 and notice of the public hearing on this matter was also published in the Asheville Citizen Times on October 3, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE AS FOLLOWS:

1. That a municipal service district, to be known as the Charlotte Street Corridor Innovation District, is hereby established effective upon date of adoption.

2. That the boundary of said district shall be as shown in the map attached hereto as **Exhibit A** and incorporated herein by reference, and maintained in the Office of the City Clerk.

3. That the improvements to be provided within said district include, but are not limited to the following:
   - Improving infrastructure to include widening of sidewalks, relocating or placing utilities underground, and providing bike access through sections of the corridor.

4. It is anticipated that special obligation bonds are to be authorized in order to finance, provide or maintain the aforementioned improvements within the district. It is the express intent of this City Council to only utilize special obligation bonds to finance the improvements. If, in the future, pursuant to N.C. Gen. Stat. sec. 160A-542, the City proposes to finance, provide or maintain any improvements or services through the levy of an

additional tax on property within the district, it is understood and agreed that such a proposal would require further action by City Council at a separate public hearing.

Read, approved, and adopted this 14th day of October, 2014.

Magdalen Burleson
CITY CLERK

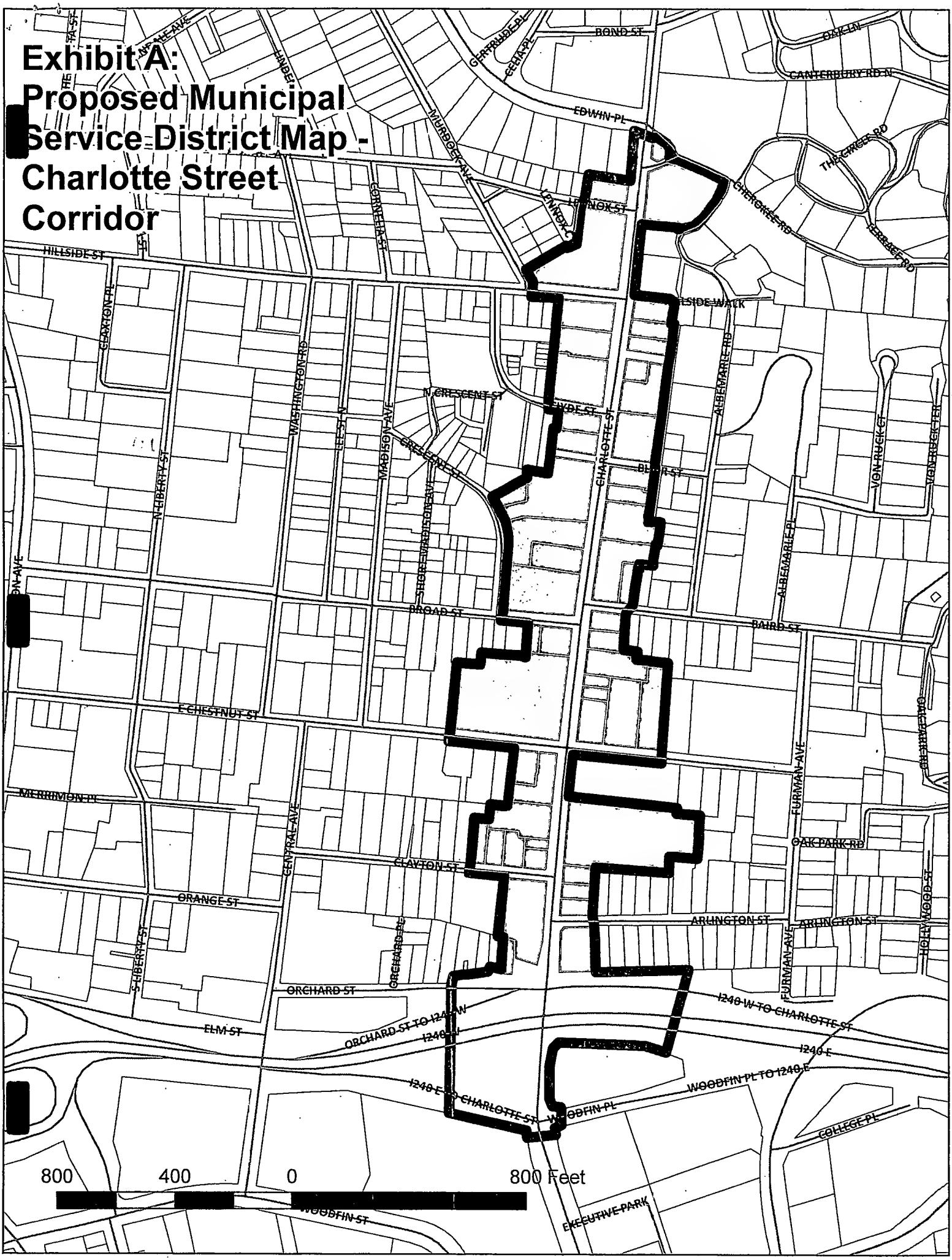
Peter E. Mason
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

Exhibit A: Proposed Municipal Service District Map - Charlotte Street Corridor



411

RESOLUTION NO. 14-242

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SEGAL WATERS CONSULTING TO CONDUCT A CLASSIFICATION AND COMPENSATION STUDY

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville has a need to conduct a comprehensive classification and compensation study; and

WHEREAS, the amount of the Agreement is $150,000 and the monies have been budgeted in the Human Resources Department's 2014-2015 Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Segal Waters Consulting for $150,000 to conduct a comprehensive classification and compensation study and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 14th day of October, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-243

RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, the terms of Charles Rosenblum, Sabrah n'haRaven and Jay Lively, as members on the Homeless Initiative Advisory Committee, expire on November 1, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Charles Rosenblum, 35 Beadle Lane, Asheville, N.C., be and he is hereby reappointed to the Homeless Initiative Advisory Committee to serve a three-year term, term to expire November 1, 2017, or until his successor has been appointed.

(2) Ms. Sabrah n'haRaven, 61 Annandale Avenue, Asheville, N.C., be and she is hereby reappointed to the Homeless Initiative Advisory Committee to serve a three-year term, term to expire November 1, 2017, or until her successor has been appointed.

(3) Mr. Jay Lively, 7 Redbo Lane Asheville, N.C., be and he is hereby reappointed to the Homeless Initiative Advisory Committee to serve a three-year term, term to expire November 1, 2017, or until his successor has been appointed.

Read, approved and adopted this 14th day of October, 2014..

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

413.

RESOLUTION NO. 14- 244

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF WESTOVER ALLEY

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of Westover Alley; and

WHEREAS, said rights-of-way are not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close a portion of Westover Alley as follows:

   Beginning at a #4 rebar with "McAbee" cap, lying at the intersection of the southern line of Lot 2 of Plat Book 138 Page 169 and the western Right of Way of Westover Alley as shown on Plat Book 12 Page 11 as recorded in the Buncombe County Registry, and proceeding thence with the eastern line of the aforementioned Lot 2 and the western Right of Way of Westover Alley along a curve to the right having a radius of 25.00 feet, an arc length of 64.46 feet, a chord bearing of N 45°08'26" E, and a chord length of 48.03 feet to a #4 rebar with "McAbee" cap, thence along a new line S 45°08'26" W 48.03 feet to the point and Place of Beginning, containing 638.9 Square Feet and being a western portion of the Right of Way of Westover Alley, as more particularly shown on a survey prepared by McAbee and Associates, P.A., dated April 16, 2014., attached hereto as Exhibit A.

2. A public hearing on the question of permanently closing a portion of Westover Alley is hereby called for on December 9, 2014, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on December 9, 2014.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned portion of Westover Alley. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 28th day of October, 2014.

Magdalen Burleson
City Clerk

Mayor

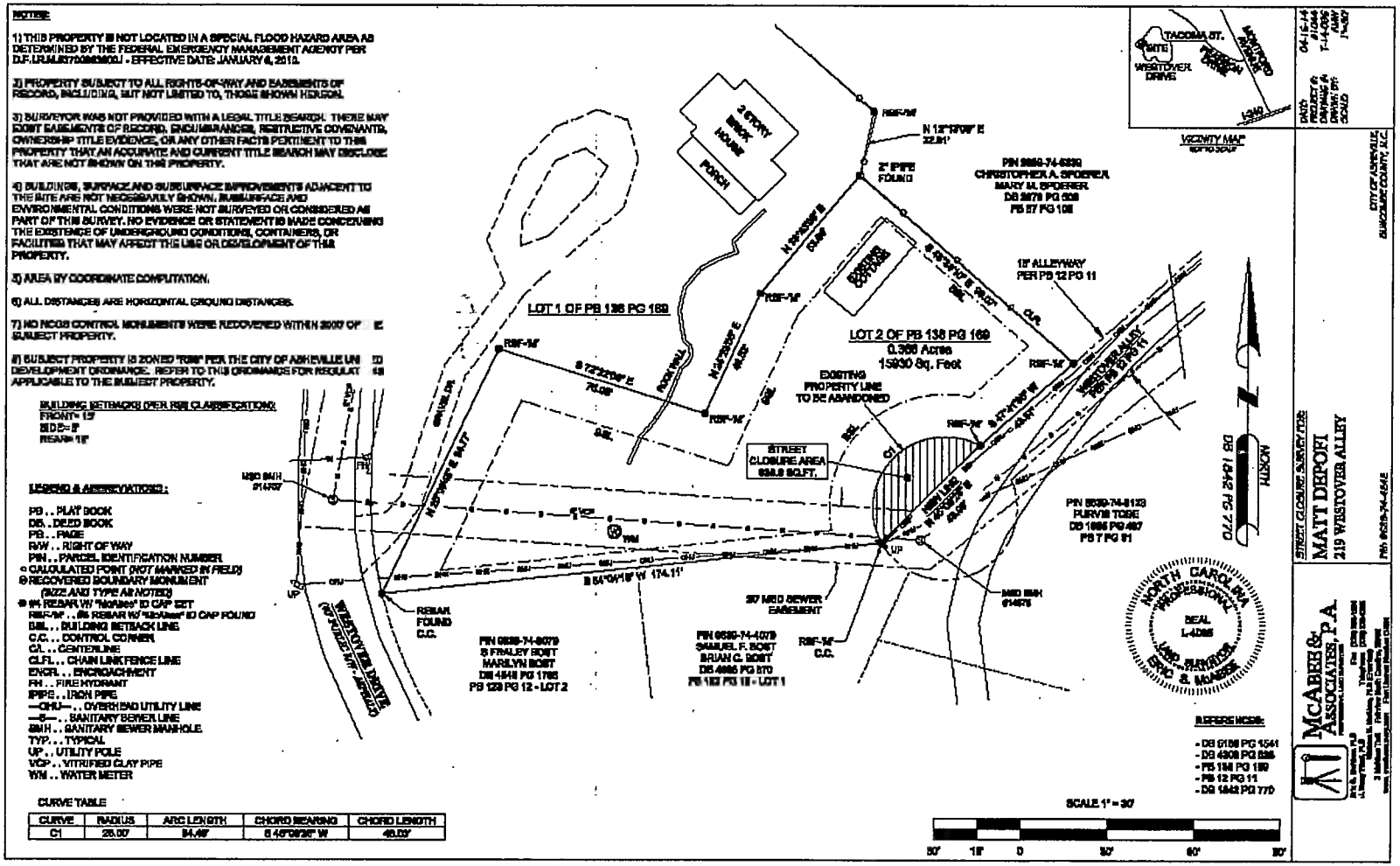
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

414

Exhibit A


NOTES:
1) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER D.F.I.R.M. #3700963600J - EFFECTIVE DATE: JANUARY 6, 2010.
2) PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.
3) SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THE PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS PROPERTY.
4) BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENTS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
5) AREA BY COORDINATE COMPUTATION.
6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
7) NO NCGS CONTROL MONUMENTS WERE RECOVERED WITHIN 2000' OF THE SUBJECT PROPERTY.
8) SUBJECT PROPERTY IS ZONED "RM" PER THE CITY OF ASHEVILLE UNIFIED DEVELOPMENT ORDINANCE. REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.
BUILDING SETBACKS PER RM CLASSIFICATION:
FRONT= 15'
SIDE= 5'
REAR= 15'
LEGEND & ABBREVIATIONS:
PB . . PLAT BOOK
DB . . DEED BOOK
PG . . PAGE
R/W . . RIGHT OF WAY
PIN . . PARCEL IDENTIFICATION NUMBER
○ CALCULATED POINT (NOT MARKED IN FIELD)
⊕ RECOVERED BOUNDARY MONUMENT (SIZE AND TYPE AS NOTED)
⊕ #4 REBAR W/ "McAbee" ID CAP SET
RBF-¾" . . ¾ REBAR W/ "McAbee" ID CAP FOUND
BSL . . BUILDING SETBACK LINE
C.C. . . CONTROL CORNER
C/L . . CENTERLINE
CLFL . . CHAIN LINK FENCE LINE
ENCR. . . ENCROACHMENT
FH . . FIRE HYDRANT
IPIPE . . IRON PIPE
—OHU— . . OVERHEAD UTILITY LINE
—S— . . SANITARY SEWER LINE
SMH . . SANITARY SEWER MANHOLE
TYP. . . TYPICAL
UP . . UTILITY POLE
VCP . . VITRIFIED CLAY PIPE
WM . . WATER METER
CURVE TABLE
CURVE | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH
C1 | 25.00' | 84.49' | S 45°08'26" W | 49.03'
3 STORY BRICK HOUSE
PORCH
BOSTER COTTAGE
ROCK WALL
RBF-¾"
2" PIPE FOUND
N 13°13'09" E 32.81'
PIN 9630-74-6939
CHRISTOPHER A. SPOERER
MARY M. SPOERER
DB 3979 PG 938
PB 57 PG 108
15' ALLEYWAY PER PB 12 PG 11
LOT 1 OF PB 136 PG 169
LOT 2 OF PB 136 PG 169
0.366 Acres
15930 Sq. Feet
EXISTING PROPERTY LINE TO BE ABANDONED
STREET CLOSURE AREA
938.8 SQ.FT.
WESTOVER ALLEY
PIN 9630-74-8123
PURVIS TOBE
DB 1986 PG 467
PB 7 PG 91
MID MH
#14878
97' MID SEWER EASEMENT
REBAR FOUND C.C.
PIN 9630-74-8079
S FINLEY BOST
MARILYN BOST
DB 4848 PG 1765
PB 129 PG 12 - LOT 2
PIN 9630-74-4079
SAMUEL F. BOST
BRIAN C. BOST
DB 4885 PG 870
PB 182 PG 18 - LOT 1
S 72°32'09" E 70.08'
S 17°47'09" W 45.00'
N 17°47'09" E 45.00'
S 84°04'19" W 174.11'
N 84°04'19" E 174.11'
S 45°08'26" W 49.03'
DB 1842 PG 770
NORTH
VICINITY MAP
TACOMA ST.
SITE
WESTOVER DRIVE
WESTOVER ALLEY
LAW
NORTH CAROLINA PROFESSIONAL SEAL L-4086 LAND SURVEYOR ERIC S. McABEE
REFERENCES:
- DB 6156 PG 1541
- DB 4308 PG 886
- PB 136 PG 169
- PB 12 PG 11
- DB 1842 PG 770
SCALE 1" = 30'
30' 15' 0 30' 60' 90'
04-16-14
#1044
7-14-14
JWH
JWH
DRAWN BY:
ZONED:
PROJECT #:
CITY OF ASHEVILLE BUNCOMBE COUNTY, N.C.
STREET CLOSURE SURVEY FOR:
MATT DEPOFI
219 WESTOVER ALLEY
PIN: 9630-74-4545
McABEE & ASSOCIATES, P.A.

415.

RESOLUTION NO. 14-245

RESOLUTION AMENDING THE 2014 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The formal meeting of the Asheville City Council on November 25, 2014, is hereby cancelled.

Read, approved and adopted this 28th day of October, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-246

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM TO ACCEPT HIGHWAY SAFETY GRANT FUNDING

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants; and

WHEREAS, the North Carolina Governor's Highway Safety Program has offered $20,000 in grant funding to the Asheville Police Department for Regional Liaison duties; and

WHEREAS, the Asheville Police Department will provide this liaison officer to perform the necessary duties; and

WHEREAS, there is no matching fund requirement for this grant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with the North Carolina Governor's Highway Safety Program for a grant in the amount of $20,000 to purchase equipment for the Asheville Police Department's Traffic Safety Unit.

Read, approved, and adopted this 28th day of October 2014.

Magdalen Burleson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Burleson
City Clerk

417

RESOLUTION NO. 14-247

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING 0.34 ACRES OF REAL PROPERTY LOCATED AT 30 ROCK HILL PLACE

WHEREAS, the City of Asheville holds title to real property located 30 Rock Hill Place, identified as 0.34 acres (PIN # 9656-28-0496-00000); and

WHEREAS, the property is not needed by the City of Asheville; and ,

WHEREAS, the City of Asheville has received an offer to purchase said property from Sayco Equity Firm in the amount of $ 33,700; and

WHEREAS, North Carolina General Statues Section 160A-269 provides for the sale of real properties by negotiated offer, advertisement and upset bids;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 0.34 acres (PIN # 9656-28-0496-00000) of real property located at 30 Rock Hill Place to Sayco Equity Firm. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within 10 days any person may raise the bid by not less than 10% of the first $1,000 and 5% of the remainder of the purchase price of $33,700.

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey the aforementioned property to Sayco Equity Firm. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give full effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 14th day of October 2014.

Magdalen Bullison
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

RESOLUTION NO. 14-248

RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION

WHEREAS, the terms of Jeremy Goldstein, Jane Mathews and Kristy Carter, as members on the Planning & Zoning Commission, expired on August 14, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Jeremy Goldstein, 120 Sondley Parkway, Asheville, N.C., be and he is hereby reappointed as a member of the Planning & Zoning Commission, to serve an additional three year term, term to expire August 14, 2017, or until his successor has been appointed.

(2) Ms. Kristy Carter, 86 ½ Langwell Avenue, Asheville, N.C., be and she is hereby reappointed as a member of the Planning & Zoning Commission, to serve an additional three year term, term to expire August 14, 2017, or until her successor has been appointed.

(3) Ms. Laura Berner Hudson, 12 Red Oak Road, Asheville, N.C., be and she is hereby appointed as a member of the Planning & Zoning Commission, to serve a three year term, term to expire August 14, 2017, or until her successor has been appointed.

Read, approved and adopted this 28th day of October, 2014.

Magdalen Bulleson
CITY CLERK

Edwin G. Marks
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

419

RESOLUTION NO. 14-249

RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

WHEREAS, Wayne Wheeler has resigned as a member of the Recreation Board thus leaving an unexpired term until June 30, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Forrest P. Merithew, 62 Pine Grove Avenue, Asheville, N.C., be and he is hereby appointed, as a member of the Recreation Board, to serve the unexpired term of Mr. Wheeler, term to expire June 30, 2015, or until his successor has been appointed.

Read, approved and adopted this 28th day of October, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-250

RESOLUTION APPROVING THE NAMING RIGHTS AGREEMENT BETWEEN THE ASHEVILLE ART MUSEUM AND THE NORTH CAROLINA STATE EMPLOYEE'S CREDIT UNION FOUNDATION FOR THE NAMING OF A PORTION OF THE PLAZA LOCATED AT 2 S. PACK SQUARE

WHEREAS, pursuant to Resolution No. 14-169, dated July 22, 2014, wherein the Asheville City Council approved a long term lease to the Asheville Art Museum (AAM) for a portion of the city owned property located at 2 S. Pack Square ; and

WHEREAS, Section 1(i) of the Lease to the AAM provides for the ability of AAM to grant naming rights, upon approval by the City, to leased area known as the "Programmable Area" in order to assist in its capital campaign for the major renovation of the art museum; and

WHEREAS, the AAM seeks approval from the City Council to enter into a naming rights agreement with the NC State Employee's Credit Union Foundation (SECU); and

WHEREAS, per the terms of the naming rights agreement, SECU has agreed to donate $1.5 million toward the museum renovation in return for the ability to name the plaza area in front of the main art museum entrance "SECU Plaza"; and

WHEREAS, the City Council desires that the AAM achieve its capital campaign fund raising goals for the major renovation of the art museum, recognizes that this SECU naming rights opportunity is essential to AAM's capital campaign, and finds that the naming of city owned property for an organization like, SECU, which has contributed much to the citizens of the State and the local community, is consistent with its general naming rights guidelines and policies;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Approval is hereby granted for the naming rights agreement between the Asheville Art Museum and the North Carolina State Employee's Credit Union Foundation and the naming of a portion of the Plaza at Pack Square as "SECU Plaza" with the following conditions:

1. In addition to being subject to all signage requirements provided by the UDO, all aspects of the naming rights signage including placement, design, aesthetic qualities shall be subject to final review by and approval of the City Manager;

2. The duration of the naming rights will be limited to the duration of the AAM lease and any agreement between AAM and SECU shall clearly reflect this fact.

Read, approved and adopted this 28th day of October, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

421

RESOLUTION NO. 14- 251

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE CITY MARKET ON THE DATES OF SATURDAY, DECEMBER 6, 2014 AND SATURDAY, DECEMBER 13, 2014, FROM 8:00 AM – 1:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville City Market;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville City Market event area, as set forth on Exhibit A, attached.

   The Asheville City Market event area is within the boundaries the city-owned parking lot located at 161 S. Charlotte Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville City Market on Saturday, December 6, 2014 and Saturday, December 13, 2014 from 8:00 a.m. to 1:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum

cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville City Market event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville City Market event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville City Market, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 11th day of November, 2014.

Magdalen Burleson
City Clerk

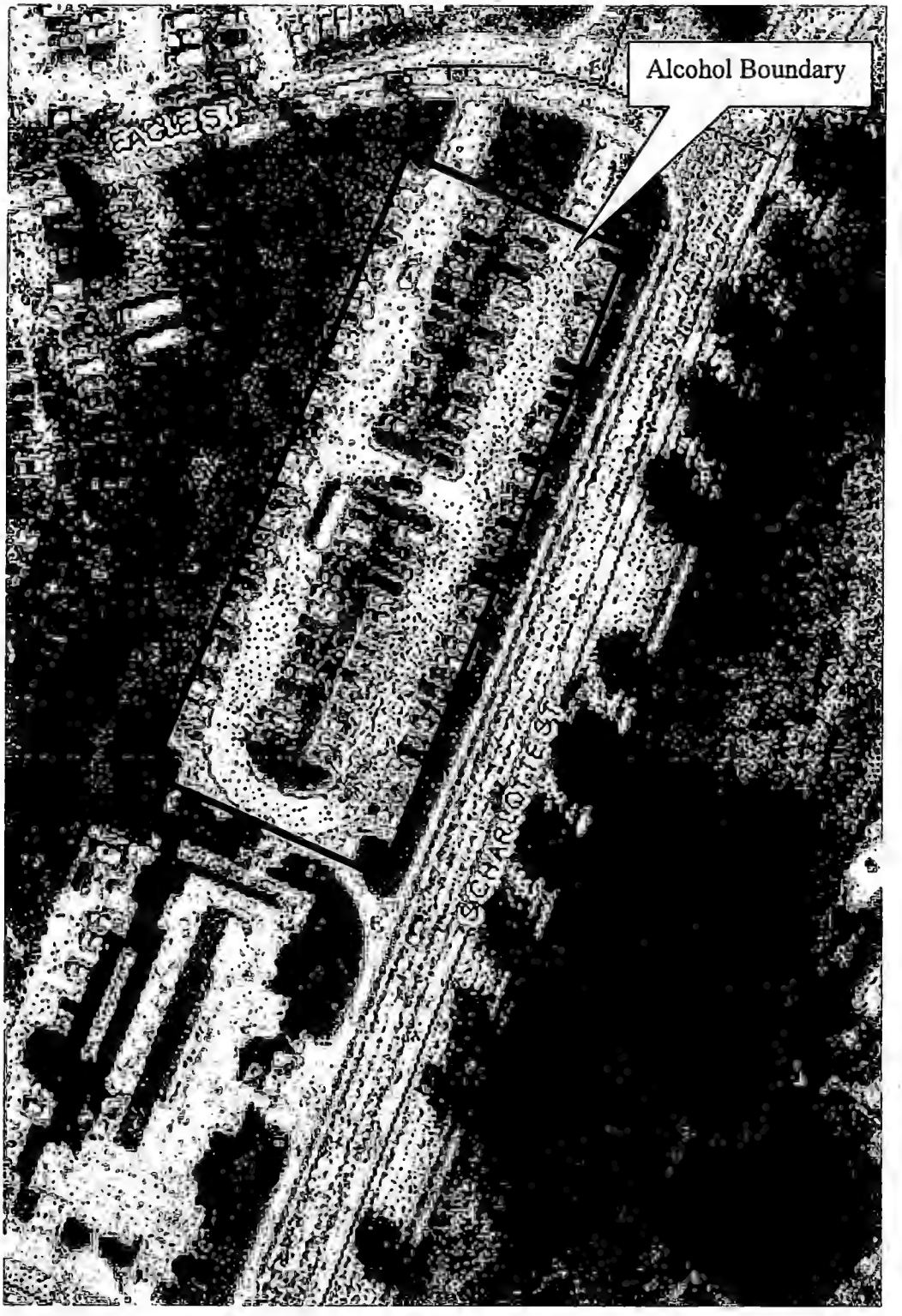
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



RESOLUTION NO. 14- 252

RESOLUTION TO ACCEPT EMERGENCY SOLUTIONS GRANT FUNDS AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-17.1 the City is authorized to make contracts for and accept grants and loans from other governments and their agencies; and

WHEREAS, the State of North Carolina has received Emergency Solution Grant (ESG) funds for FY 2014 from the US Department of Housing and Urban Development; and

WHEREAS, the State made these funds available to Continuums of Care in the State, and required that each Continuum of Care submit one regional application for ESG funds ; and

WHEREAS, the City of Asheville has agreed to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services; and

WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has awarded the City, as fiscal agent, $194,492;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville accept funds for the Emergency Solutions Grant;

2. Council authorizes the City Manager to sign all necessary application documents with the State of North Carolina.

Read, approved and adopted this 11th day of November, 2014.

Magdalen Bullion
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

425

RESOLUTION NO. 14-253

RESOLUTION AUTHORIZING AMENDMENTS TO LOAN DOCUMENTS FOR THE EAGLE MARKET PLACE PROJECT

WHEREAS, the City Council of the City of Asheville approved a commitment of: a) $3,867,618 in General Funds; and b) $800,000 of Housing Trust Funds, to Mountain Housing Opportunities for the Eagle Market Place Project by Resolution No. 13-193 and 13-192 respectively; and

WHEREAS, the City and Mountain Housing Opportunities entered into an Urban Redevelopment and Loan Agreement (URLDA) and an Amended Housing Trust Fund Loan Agreement (AHTFLA), outlining the duties and responsibilities of both parties with regard to the $3,867.618 and $800,000 funding respectively; and

WHEREAS, the URLDA and AHTFLA require that the City's lien position remain in third security position during the period of construction and in second lien position at the close of permanent financing but, with the exception of the URLDA remaining in second lien position at the close of permanent financing, the remaining lien positions are no longer viable; and

WHEREAS, Housing and Community Development Committee reviewed the request of Mountain Housing Opportunities to amend the URLDA and AHTFLA to provide for further subordination of the City's lien security position and on October 21, 2014, unanimously recommended approval of the request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Urban Redevelopment and Loan Agreement be amended to allow the City to be in the fourth security position during construction of the Eagle Market Place Project.

2. The Housing Trust Fund Loan Agreement be amended to allow the City to be in the fifth security position during construction and in the fourth security position at the close of the permanent financing of the Eagle Market Place project.

3. That the City Manager is hereby authorized to execute any and all documents to effectuate the amendments set forth herein upon approval of the City Attorney.

Read, approved and adopted this 11th day of November, 2014.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-254

RESOLUTION FOR THE CITY OF ASHEVILLE TO BE THE LOCAL GOVERNMENT FOR THE PARTNER FOR THE ASHEVILLE AREA ARTS COUNCIL'S APPLICATION 2015 NEA *OUR TOWN* GRANT

WHEREAS, at its meeting on October 21, 2014, the Planning and Economic Development Committee of City Council presents for consideration the grant criteria and applicable outcomes; and

WHEREAS, the grant, if awarded, will require a partnership between the City of Asheville and the Asheville Area Arts Council on the proposed project; and

WHEREAS, the approval will allow for the Asheville Area Arts Council to meet the required grant deadlines;

WHEREAS, the grant, if awarded, requires a non-federal dollar for dollar match to be covered by the Asheville Area Arts Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) The City of Asheville will be the local government partner for the Asheville Arts Council's application for the 2015 NEA *Our Town* Grant.

(2) Contingent upon support from other local governments, staff is hereby directed to include funding for the match, in an amount of not to exceed $25,000, in the proposed Fiscal Year 2015-16 budget that will be presented to City Council in the spring of 2015.

Read, approved and adopted this 11th day of November, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-255

RESOLUTION AUTHORIZING THE STANDARDIZATION PURCHASE OF SAFARILAND BALLISTIC VESTS FOR CONSISTENCY IN OPERATION AND FUNCTIONALITY

WHEREAS, N.C.G.S. 143-129 details the procedures for the letting of public contracts; and

WHEREAS; N.C.G.S. 143-129 (e) identifies exceptions to those procedures as they relate to procurement contracts; and

WHEREAS, item (6) of N.C.G.S. 143-129 (e) states that the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bid when "(i) performance or price competition for a product are not available or (iii) standardization or compatibility is the overriding consideration"; and

WHEREAS, The Bureau of Justice Assistance (BJA) and City matching funds has been approved by City Council to purchase equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the purchase of Safariland Body Armor as permitted under N.C.G.S 143-129 (e) (6) for equipment standardization for the through Fiscal Year 2019.

Read, approved, and adopted this 11th day of November, 2014.

Magdalen Bulleson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-256

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH NHM CONSTRUCTORS, LLC FOR THE PROJECT KNOWN AS FINALEE AVENUE RETAINING WALL CONSTRUCTION, CITY OF ASHEVILLE PROJECT # ST-13-14-003

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Finalee Avenue Retaining Wall Construction, City of Asheville Project # ST-13-14-003; and

WHEREAS, NHM Constructors, LLC was the lowest responsible bidder for the project, in the amount of $658,578.50, and

WHEREAS, the project involves the construction of a retaining wall to support a failing road surface that has the potential for liability to the City of Asheville; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $658,578.50 plus a contingency of 15% ($98,786.78), for a total of $757,365.28, with NHM Constructors, LLC for the project known as Finalee Avenue Retaining Wall Construction, City of Asheville Project # ST-13-14-003.

Read, approved and adopted this the 11th day of November, 2014.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 14-257

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ARMEN CONSTRUCTION, LLC FOR THE PROJECT KNOWN AS SHILOH ROAD SIDEWALK IMPROVEMENTS, CITY OF ASHEVILLE PROJECT #ENG-12-13-003

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Shiloh Road Sidewalk Improvements; and

WHEREAS, Armen Construction, LLC, Asheville, NC was the lowest responsive, responsible bidder for the project; and

WHEREAS, Armen Construction, LLC shall provide all labor, material, equipment, etc. for the installation of curbing, sidewalks, drive aprons, ADA ramps, etc as described in the service contract; and

WHEREAS, the amount of the Agreement is $138,000.00 and the monies have been budgeted in the Public Works Department's 2014-2015 Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Armen Construction, LLC for $138,000 plus 15% contingency for the project known as Shiloh Road Sidewalk Improvements, City of Asheville Project #ENG-12-13-003, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount of $189,775.

Read, approved and adopted this the 11th day of November, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-258

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT TO DUKE ENERGY PROGRESS, INC. FOR AN ELECTRIC POWER LINE ON PROPERTY LOCATED ON JOHNSTON BOULEVARD

WHEREAS, North Carolina General Statute Section 160A-273 grants authority to cities to convey easements across city property or right of way; and

WHEREAS, the City of Asheville, hereinafter the City, owns property located at 71 Deaverview Road, identified as PIN # 962866332400000; and

WHEREAS, Duke Energy Progress, Inc. requests that the City grant an easement measuring approximately 2,403 square feet in order to accommodate an electric power line; and

WHEREAS, the easement will not interfere with the City's intended use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute 160A-273, the City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located on the Johnston Boulevard side of the property PIN # 9628663324 to Duke Energy Progress, Inc. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney and compliance with applicable North Carolina law.

Read and approved and adopted this 11th day of November 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

431

RESOLUTION NO. 14-259

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A NON MATCHING GRANT FROM THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT FOR THE PURCHASE OF EQUIPMENT FUNDS TO BE USED BY HAZARDOUS MATERIALS REGIONAL RESPONSE TEAM 6 – ASHEVILLE

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the Department of Public Safety, Division of Emergency Management has awarded RRT 6 – Asheville a non-matching grant in the amount of $27,400 for the purchase of specialized equipment to be used on-scene and to prepare for threatened or actual weapons of mass destruction or domestic terrorists attacks or major disasters;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with the North Carolina Department of Public Safety, Division of Emergency Management, for a non-matching grant in the amount of $27,400.00 to purchase equipment to be used on-scene and to prepare for threatened or actual weapons of mass destruction or domestic terrorists attacks or major disasters.

Read, approved and adopted this 11th day of November, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-260

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT AND RECEIVE GRANT FUNDS UNDER THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants; and

WHEREAS, the North Carolina Governor's Highway Safety Program has invited the City of Asheville to submit a grant contract in the amount of $411,331 for the implementation of year two (2) of the DWI Task Force that would enforce DWI laws and provide community education on traffic safety issues in Asheville and Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT;

The City Manager is hereby authorized to enter into an agreement with the North Carolina Governor's Highway Safety Program, for a grant in the amount of $411,331 to continue year two of the DWI Task Force in Asheville and Buncombe County.

Read, approved, and adopted this 11th day of November, 2014

Magdalen Bullock
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bullock
City Clerk

433

RESOLUTION NO. 14-261

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HENDERSON COUNTY TO LEASE ONE CNG BUS

WHEREAS, Henderson County is a sub-recipient of Federal funds through the City of Asheville; and

WHEREAS, as part of the sub-recipient agreement, the City of Asheville is required to execute agreements and purchase and own all of Henderson County's capital assets that are purchased with Federal funding; and

WHEREAS, Henderson County has identified the need to buy a replacement CBG bus as one of the priorities in their capital program; and

WHEREAS, there is a contract in place that the City can use to order the bus; and

WHEREAS, Henderson County has identified all of the funding sources needed to fund the project; and

WHEREAS, a lease agreement has to be signed by both parties to define the terms and conditions to operate these buses, as required by the Federal Transit Administration; and

WHEREAS, the City of Asheville has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to enter into an agreement with Henderson County to lease one bus.

Read, approved and adopted this the 11th day of November, 2014.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 14-262

RESOLUTION AUTHORIZING SUBSTANTIAL AMENDMENT #1 OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2014-2015

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, The City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2010-2015;

WHEREAS, on April 22, 2014 City Council approved an Annual Action Plan for the use of these funds in 2014-2015; and

WHEREAS, the Asheville Regional Housing Consortium has made a recommendation, consistent with the Strategic Plan, to amend the Action Plan for the fiscal year 2014-2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Consolidated Annual Action Plan 2014-2015 be amended as follows:
   a. Removal of Award of $425,000 of HOME funds to Housing Assistance Corporation for the Rosebay Development;
   b. Allocation of those funds as follows:
      a. Asheville Area Habitat for Humanity, Shiloh Taft Avenue development. Additional allocation, $140,000 for a total 2014 allocation of $150,000.
      b. Asheville Buncombe Community Christian Ministries, Homelessness Prevention and Raid Rehousing. Additional allocation, $9,326, total allocation, $20,000.
      c. Madison County, Rural Housing rehabilitation. Additional allocation, $50,000, total allocation, $90,000.
      d. Mountain Housing Opportunities, East Haven Apartments. Additional allocation, $62,837, total allocation, $162,387.
      e. Housing Assistance Corporation, Mud Creek Village, Allocation, $162,287.

Read, approved and adopted this 11th day of November, 2014

Magdalen Bullock
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

435

RESOLUTION NO. 14-263

RESOLUTION APPOINTING A MEMBER AND THE CHAIR TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the terms of Jim Ellis and John Menkes, as members and Chairman on the Alcoholic Beverage Control Board, expire on November 13, 2014; and

WHEREAS, the Chair shall be appointed by City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. John Menkes, 604 Old Toll Road, Asheville, N.C., be and he is hereby reappointed as a member of the Alcoholic Beverage Control Board, to serve a three-year term, term to expire November 13, 2017, or until his successor has been appointed.

Mr. Lewis Isaac, 64 Owens Bell Lane, Asheville, N.C., be and he is hereby appointed as a member of the Alcoholic Beverage Control Board, to serve a three-year term, term to begin November 14, 2014, and expire November 13, 2017, or until his successor has been appointed.

Mr. Wilfred Lack, 319 Sulphur Springs Road, Asheville, N.C., be and he is hereby appointed as Chairman of the Alcoholic Beverage Control Board until his term expires on November 13, 2016, or until City Council appoints a replacement.

Read, approved and adopted this 11th day of November, 2014.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-264

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WNC ROOFING INC. TO CONDUCT ROOF REPAIRS AT THE US CELLULAR CENTER.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the US Cellular Center has previously repaired the roof substrate numerous times; and

WHEREAS, the US Cellular Center solicited quotes for repair of the roof substrate; and

WHEREAS, the contract with WNC Roofing Inc will have a 'not to exceed' amount of $185,000, and the monies have been budgeted in the Civic Center's Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with WNC Roofing Inc., for roof repairs at a cost not to exceed $185,000. The City Manager is further authorized to approve and execute any change orders to said contract or documents which may arise during the term of said contract up to the budgeted amount.

Read, approved and adopted this the 11th day of November, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

437

RESOLUTION NO. 14-265

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CH SECURITY FOR SECURITY SERVICES IN THE CITY PARKING GARAGES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, security services are needed in the City parking garages; and

WHEREAS, the amount of the contract is $405,000 for three years and the monies have been budgeted in the Transportation Department's Operating Budget for FY 2014-15;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with CH Security, for $405,000.00 over three years not to exceed $135,000.00 per fiscal year for security services in the City parking garages and further authorized to execute any change orders to said contract or documents which might arise during the time period of the contract up to the budgeted amount.

Read, approved and adopted this the 9th day of December 2014.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 14-266

RESOLUTION ADOPTING THE 2015 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The following schedule of the meetings of the Asheville City Council for 2014 be, and the same is, hereby established as follows:

City Council Formal Meetings
5:00 p.m.
2nd and 4th Tuesdays of each month
Council Chamber – 2nd Floor
City Hall Building, Asheville, N.C.

City Council Community Meetings
6:30 p.m.
5th Tuesday of any month
(If a community meeting is cancelled, the next location will be the cancelled meeting location)
March 31, 2015 – Central
June 30, 2015 - North
September 29, 2015 - East
December 29, 2015 - No meeting

BE IT FURTHER RESOLVED THAT:

(1) The following meetings are hereby cancelled: Tuesday, July 14, 2015; Tuesday, December 29, 2015.

(2) City Council will hold their annual retreat on January 30 & 31, 2015, beginning at 8:30 a.m. in the Banquet Hall of the U.S. Cellular Center.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 9th day of December, 2014.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

439

RESOLUTION NO. 14-267

RESOLUTION AUTHORIZING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF LINAMAR CORPORATION IN CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and,

WHEREAS, Linamar Corporation is proposing to expand its existing manufacturing facility within the City limits adding $190,000,000 in new capital investment in buildings and Machinery and Equipment and the creation of 400 new manufacturing jobs; and,

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Clerk to advertise for a Public Hearing to be held on January 13, 2015 to consider an Economic Development Incentive Grant for up to $3,500,000 for Linamar Corporation subject to terms of the performance contract.

Read and approved and adopted this 9th day of December, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-268

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH MOORE & SON, INC., FOR THE BEAUCATCHER TANK WATERLINE IMPROVEMENT AREA PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Beaucatcher Tank Waterline Improvement Area Project; and

WHEREAS, Moore & Son, Inc., of Mills River, NC was the lowest responsible, responsive bidder for the Project, in the amount of $432,480, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves the construction and installation of: approximately 1,450 Linear Feet of 10-inch and 24-inch Ductile Iron Pipe with all materials, labor, incidentals, and equipment required to complete the project; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.

2. City Council hereby authorizes a budget amendment to transfer funds from the Walnut Cove Pump Replacement and Riddle Road Waterline Replacement Projects to fund part of the construction contract.

3. The City Manager is hereby authorized to execute the contract with Moore & Son, Inc., for the bid amount of $432,480. City Council also grants approval of a contingency amount of $65,470 for a total project budget in the amount of $497,950 for the Beaucatcher Tank Waterline Improvement Area Project. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 9th day of December, 2014.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

EXHIBIT A

Bid Tabulation for: Beaucatcher Tank Waterline Improvement Area				Moore & Son, Inc. 103 McDowell Rd Mills River, NC 28759		Patton Construction Group PO Box 15054 Asheville, NC 28813		Huntley Construction, Inc. 121 Charlotte Hwy, Asheville, NC 28803		Dillard Excavating, Inc 9411 Augusta Rd. Pelzer, SC 29669	
ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	24-inch Restrained Joint Class 200 DIP	350	LF	$ 215.00	$ 75,250.00	$ 275.00	$ 96,250.00	$ 387.55	$ 135,642.50	$ 330.00	$ 115,500.00
2	10-inch DIP Restrainted Joint DIP	1100	LF	$ 81.00	$ 89,100.00	$ 101.00	$ 111,100.00	$ 98.75	$ 108,625.00	$ 184.00	$ 202,400.00
3	Fire Hydrant Installation (Complete including Tee, valve, & Hydrant)	1	EA	$ 5,425.00	$ 5,425.00	$ 4,325.00	$ 4,325.00	$ 4,886.90	$ 4,886.90	$ 3,500.00	$ 3,500.00
4	Misc. Ductile Iron Fittings (including Thrust Restraint)	2500	POUND	$ 11.00	$ 27,500.00	$ 5.65	$ 14,125.00	$ 8.00	$ 20,000.00	$ 3.00	$ 7,500.00
5	24-inch x 24-inch Cross Conn. Sta 13+23 Beaucatcher Rd	1	EA	$ 29,050.00	$ 29,050.00	$ 22,860.00	$ 22,860.00	$ 41,245.00	$ 41,245.00	$ 27,000.00	$ 27,000.00
6	10-inch x 10-inch Connection Sta. 10+00 College Street	1	LS	$ 3,268.00	$ 3,268.00	$ 6,035.00	$ 6,035.00	$ 11,789.80	$ 11,789.80	$ 7,000.00	$ 7,000.00
7	10-inch x 8-inch Cross Connect Sta. 20+51 College Street	1	LS	$ 7,035.00	$ 7,035.00	$ 7,016.00	$ 7,016.00	$ 12,472.90	$ 12,472.90	$ 9,000.00	$ 9,000.00
8	4-inch Master Meter Vault @ Beaucatcher Rd & Windswept	1	LS	$ 34,715.00	$ 34,715.00	$ 24,604.00	$ 24,604.00	$ 24,994.10	$ 24,994.10	$ 25,000.00	$ 25,000.00
9	20-inch x 16-inch Cross Connect Sta. 13+45 College Street	1	LS	$ 33,010.00	$ 33,010.00	$ 20,310.00	$ 20,310.00	$ 25,646.25	$ 25,646.25	$ 30,000.00	$ 30,000.00
10	24-inch x 10-inch Cross Connect Sta. 18+60 College Street	1	LS	$ 15,155.00	$ 15,155.00	$ 12,603.00	$ 12,603.00	$ 22,705.00	$ 22,705.00	$ 13,000.00	$ 13,000.00
11	24-inch x Twin 16-inch Cross Connection @ Sta. 10+00 Beaucatcher Road	1	LS	$ 26,647.00	$ 26,647.00	$ 24,413.00	$ 24,413.00	$ 29,303.30	$ 29,303.30	$ 25,000.00	$ 25,000.00
12	Rock Excavation	150	CY	$ 250.00	$ 37,500.00	$ 235.00	$ 35,250.00	$ 150.00	$ 22,500.00	$ 150.00	$ 22,500.00
13	Select Backfill	200	CY	$ 30.00	$ 6,000.00	$ 39.00	$ 7,800.00	$ 25.00	$ 5,000.00	$ 20.00	$ 4,000.00
14	Aggregate Base Course CABC Road and Driveway Restoration	100	TON	$ 40.00	$ 4,000.00	$ 43.00	$ 4,300.00	$ 44.40	$ 4,440.00	$ 20.00	$ 2,000.00
15	Aggregate Base Course CABC 8-inch Depth for Asphalt Road Trench Repair	250	LF	$ 10.50	$ 2,625.00	$ 9.00	$ 2,250.00	$ 18.00	$ 4,500.00	$ 30.00	$ 7,500.00
16	Bituminous Concrete Base Course 5-inch Depth for Asphalt Road Trench Repair	250	LF	$ 40.00	$ 10,000.00	$ 62.00	$ 15,500.00	$ 32.60	$ 8,150.00	$ 50.00	$ 12,500.00
17	Bituminous Concrete Surface Course, Overlay 2-inch Depth	500	SY	$ 15.00	$ 7,500.00	$ 18.00	$ 9,000.00	$ 17.25	$ 8,625.00	$ 15.00	$ 7,500.00
18	Erosion Control	1	LS	$ 4,000.00	$ 4,000.00	$ 8,836.00	$ 8,836.00	$ 4,000.00	$ 4,000.00	$ 2,500.00	$ 2,500.00
19	Restoration	1	LS	$ 2,200.00	$ 2,200.00	$ 7,453.00	$ 7,453.00	$ 5,600.00	$ 5,600.00	$ 2,500.00	$ 2,500.00
20	Traffic Control	1	LS	$ 2,500.00	$ 2,500.00	$ 15,620.00	$ 15,620.00	$ 6,500.00	$ 6,500.00	$ 5,000.00	$ 5,000.00
21	Mobilization	1	LS	$ 10,000.00	$ 10,000.00	$ 23,650.00	$ 23,650.00	$ 4,500.00	$ 4,500.00	$ 13,215.00	$ 13,215.00
	TOTAL BID CONSRUCTION COST				$ 392,480.00		$ 473,300.00		$ 511,125.75		$ 544,115.00

Certified By NC Professional Engineer: 11/20/14

NORTH CAROLINA PROFESSIONAL SEAL 030088 ENGINEER

RESOLUTION NO. 14- 269

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN CONTRACT WITH CAROLINA CORNERSTONE CONSTRUCTION FOR THE RENOVATION OF THE STEPHENS-LEE RECREATION CENTER

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, The City has determined the existing floor, ceiling, paint, and sports equipment at the Stephens-Lee Recreation Center has exceeded its life expectancy, is in poor condition, and poses safety hazard for users; and

WHEREAS, the City has identified the need for a floor, ceiling, and sports equipment renovation and has planned to complete the project in FY 2014-2015 under the deferred maintenance program; and

WHEREAS, the Stephens-Lee Recreation Center renovations will provide improved performance through ongoing care and maintenance of facilities as identified in the Parks, Recreation Cultural Arts, and Greenway Master Plan; and

WHEREAS, Carolina Cornerstone Construction was selected as the lowest, responsible bidder as part of an Advertisement for Bids process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Carolina Cornerstone Construction for a contract not to exceed $340,000 for the construction of the Stephens-Lee Recreation Center renovations and further authorized to execute any change orders to said contract or documents which may arise during construction of said project within the approved budget.

Read, approved and adopted this the 9TH day of December, 2014.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

443

RESOLUTION NO. 14-270

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AMERICAN SEATING COMPANY FOR THE REPLACEMENT OF SEATING AT MCCORMICK FIELD

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City issued an Advertisement for Bids for the replacement of seating at McCormick Field; and

WHEREAS, American Seating Company was the lowest, responsible bidder for the project in the amount not to exceed $259,453, and is budgeted in the FY 2014-2015 capital improvement budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with American Seating Company not to exceed $259,453 for the replacement of seating at McCormick Field, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 9th day of December, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-271

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WASTE PRO OF NORTH CAROLINA INC. FOR BULK CONTAINER REFUSE/RECYCLING COLLECTION

WHEREAS, the City of Asheville has the authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with private entities; and

WHEREAS, the City is contracting for waste collection and disposal services to support City facilities; and

WHEREAS, the City solicited competitive bids for the waste collection and disposal services and Waste Pro of North Carolina Inc., was the lowest responsive and responsible bidder in the amount of $127,078.00; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a three (3) year contract with Waste Pro of North Carolina Inc., in the amount of $127,078.00 with the option to renew for two additional periods of one year and to approve change orders up to the budgeted amount.

Read, approved and adopted this 9th day of December, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-272

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FIELD CONSTRUCTION SERVICES, INC. FOR INSTALLATION OF AN IRRIGATION SYSTEM ON THE BACK NINE HOLES AT THE ASHEVILLE MUNICIPAL GOLF COURSE

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City issued an Advertisement for Bids for the irrigation system and installation for the back nine holes at the Asheville Municipal Golf Course; and

WHEREAS, Field Construction Services, Inc. was the lowest, responsible bidder for the project in the amount not to exceed $365,000, and is budgeted in the FY 2014-2015 capital improvement budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Field Construction Services, Inc. not to exceed $365,000 for the irrigation system and installation of on the back nine holes at the Asheville Municipal Golf Course, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 9th day of December, 2014.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 14-273

RESOLUTION TO ACCEPT A DONATION FROM THE ASHEVILLE DOWNTOWN ASSOCIATION OF A CANOPY ON THE STAGE AT PACK SQUARE PARK

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method, and is authorized pursuant to G.S. 160A-353 to accept any gift, grant or bequest of real property for parks and recreation programs, and to hold such property subject to such terms and conditions as may be imposed by the grantor; and

WHEREAS, the City of Asheville is interested in enhancing its parks and recreation system throughout the corporate limits of the City of Asheville; and

WHEREAS, the Asheville Downtown Association has successfully met all the requirements of canopy installation; and

WHEREAS, the Asheville Downtown Association is donating the canopy to the City of Asheville valued at $125,000; and

WHEREAS, the City of Asheville will be responsible for all future maintenance, repair and replacement of the canopy at an estimated cost of $155,000 for each 10-year period.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept on behalf of the City of Asheville the donation of the canopy on the stage at Pack Square Park offered by the Asheville Downtown Association.

Read, approved and adopted this 9th day of December, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

447.

RESOLUTION NO. 14-274

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND SUPPLEMENTAL UTILITY AGREEMENT WITH NCDOT FOR THE RELOCATION AND ADJUSTMENT OF MUNICIPALLY OWNED WATERLINES WITHIN THE I-26 / NC 280 (AIRPORT ROAD) INTERCHANGE PROJECT AREA

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the NCDOT is constructing highway improvements at the I-26 / NC 280 (Airport Road) interchange as part of NCDOT Project No. I-5501, which constitutes the need for adjustment or relocation of City of Asheville municipal waterlines within the NCDOT right-of-way; and

WHEREAS, the NCDOT current estimate of the project cost is $196,900.00 and has now increased that to $303,680; and

WHEREAS, by execution of the Supplemental Utility Agreement with NCDOT to include the adjustment or relocation of City of Asheville municipal waterlines in NCDOT's construction contract, it provides the best possible means to cause the required adjustment or relocation of said waterlines.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

- The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Second Supplemental Utility Agreement with NCDOT for the relocation and adjustment of municipally owned waterlines within the I-26 / NC 280 (Airport Road) interchange project area.
- The adjusted estimate for the relocation and adjustment of the waterlines is $303,680.00. City Council also grants approval of a contingency amount of $45,552.00 for a total project estimated budget in the amount of $349,232.00.
- The City Manager is further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the estimated budgeted amount.

Read, approved and adopted this 9th day of December, 2014.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

RESOLUTION NO. 14-275

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF WESTOVER ALLEY

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by adjoining property owners to permanently close a portion of Westover Alley; and

WHEREAS, City Council on October 28th, 2014 adopted a resolution of intent to permanently close a portion of Westover Alley, and ordered a public hearing on the question of the closing for the 9th day of December, 2014, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina.

WHEREAS, aforesaid resolution of intent to close and order for the public hearing was published in the Asheville Citizen Times, newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing. As evidenced by the publisher's affidavit present to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along the portion of Westover Alley; and

WHEREAS, at said public hearing no objections were made that the proposed closing of a portion of Westover Alley would deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and regress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to the North Carolina General Statutes Section 160A-299, a portion of Westover Alley is permanently closed to the public.

Beginning at a #4 rebar with "McAbee" cap, lying at the intersection of the southern line of Lot 2 of Plat Book 138 Page 169 and the western Right of Way of Westover Alley as shown on Plat Book 12 Page 11 as recorded in the Buncombe County Registry, and proceeding thence with the eastern line of the aforementioned Lot 2 and the western Right of Way of Westover Alley along a curve to the right having a radius of 25.00 feet, an arc length of 64.46 feet, a chord bearing of N 45°08'26" E, and a chord length of 48.03 feet to a #4 rebar with "McAbee" cap, thence along a new line S 45°08'26" W 48.03 feet to the point and Place of Beginning, containing 638.9 Square Feet and being a western portion of the Right of Way of Westover Alley, as more particularly shown on a survey prepared by McAbee and Associates, P.A., dated April 16, 2014., attached hereto as Exhibit A.

Read, approved and adopted this 9th day of December, 2014.

Magdalen Bowlson
City Clerk

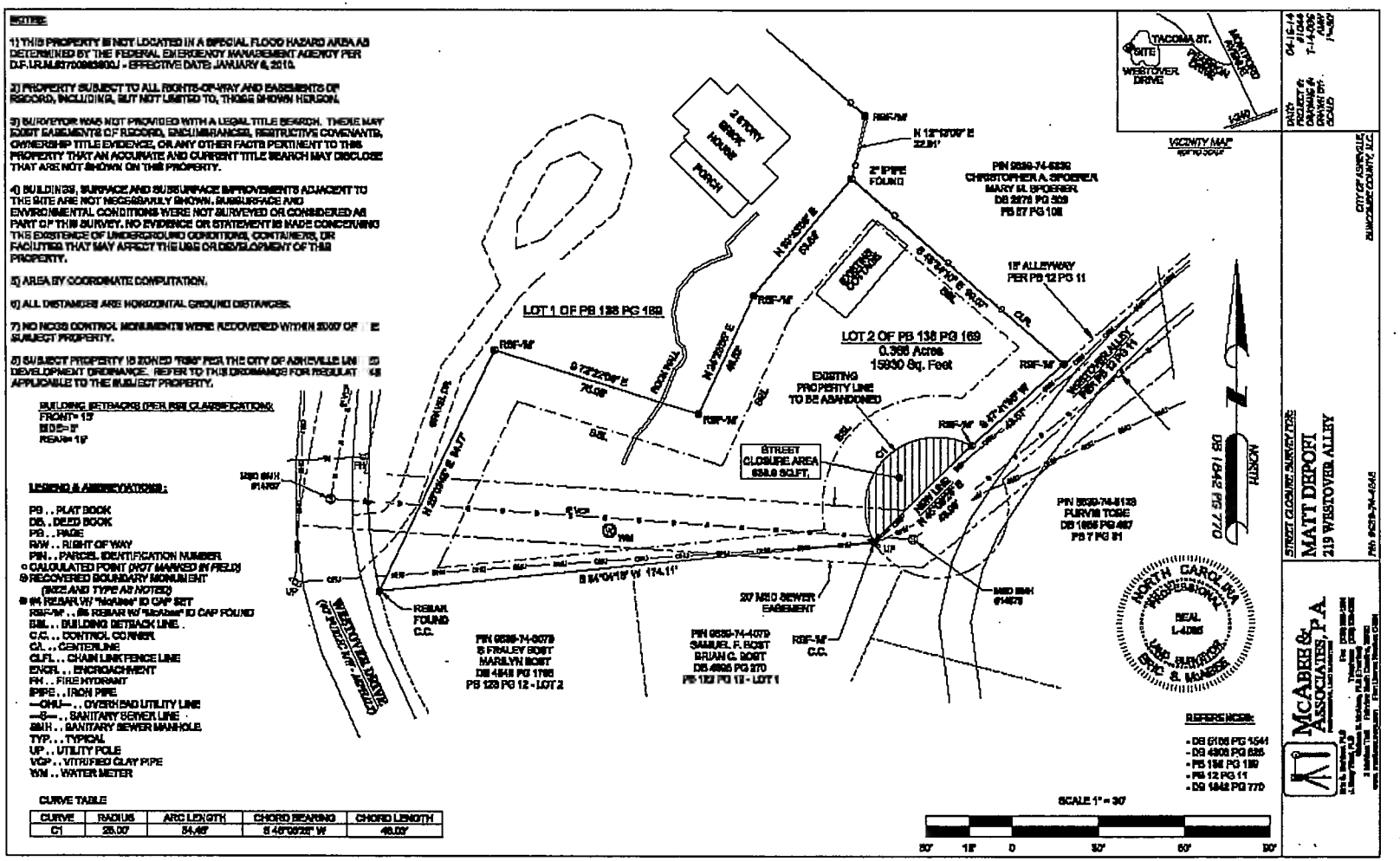
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

Exhibit A


NOTES:
1) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER D.F.I.R.M. 3700963600J - EFFECTIVE DATE: JANUARY 6, 2010.
2) PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.
3) SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS PROPERTY.
4) BUILDING, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
5) AREA BY COORDINATE COMPUTATION.
6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
7) NO NCGS CONTROL MONUMENTS WERE RECOVERED WITHIN 2000' OF THE SUBJECT PROPERTY.
8) SUBJECT PROPERTY IS ZONED "RB6" PER THE CITY OF ASHEVILLE UNIFIED DEVELOPMENT ORDINANCE. REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.
BUILDING SETBACKS (PER RB6 CLASSIFICATION):
FRONT= 15'
SIDE= 5'
REAR= 15'
LEGEND & ABBREVIATIONS:
PB . . PLAT BOOK
DB. . DEED BOOK
PG . . PAGE
R/W . . RIGHT OF WAY
PIN . . PARCEL IDENTIFICATION NUMBER
○ CALCULATED POINT (NOT MARKED IN FIELD)
⊙ RECOVERED BOUNDARY MONUMENT (SIZE AND TYPE AS NOTED)
⊕ #4 REBAR W/ 1¼x4mm" ID CAP SET
RBF-M" . . #5 REBAR W/ 1¼x2mm" ID CAP FOUND
BSL . . BUILDING SETBACK LINE
C/C . . CONTROL CORNER
C/L . . CENTERLINE
CLFL . . CHAIN LINK FENCE LINE
ENCRL . . ENCROACHMENT
FH . . FIRE HYDRANT
IPIPE . . IRON PIPE
—OHU— . . OVERHEAD UTILITY LINE
—S— . . SANITARY SEWER LINE
SMH . . SANITARY SEWER MANHOLE
TYP. . . TYPICAL
UP . . UTILITY POLE
VCP . . VITRIFIED CLAY PIPE
WM . . WATER METER
CURVE TABLE
CURVE | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH
C1 | 25.00' | 54.49' | S 45°09'28" W | 46.09'
LOT 1 OF PB 138 PG 169
LOT 2 OF PB 138 PG 169
0.366 Acres
15930 Sq. Feet
EXISTING PROPERTY LINE TO BE ABANDONED
STREET CLOSURE AREA
638.6 SQ.FT.
2 STORY BRICK HOUSE
PORCH
ENTRANCE CANOPY
ROCK WALL
15' ALLEYWAY PER PB 12 PG 11
WESTOVER ALLEY (PUBLIC)
NEW LINE
REBAR FOUND C.C.
WESTOVER DRIVE (PUBLIC) (50' R/W)
37' MSD SEWER EASEMENT
PIN 9638-74-6230
CHRISTOPHER A. SPOERER
MARY M. SPOERER
DB 2278 PG 309
PB 27 PG 108
PIN 9638-74-8128
PURVIS TOSE
DB 1856 PG 467
PB 7 PG 91
PIN 9638-74-6079
S FRALEY BOST
MARILYN BOST
DB 4848 PG 1781
PB 129 PG 12 - LOT 2
PIN 9638-74-4079
SAMUEL F. BOST
BRIAN C. BOST
DB 4895 PG 270
PB 129 PG 12 - LOT 1
N 12°37'09" E 22.91'
S 12°37'09" W 90.00'
N 77°22'09" E 75.08'
S 84°04'19" W 114.11'
N 77°22'09" E 40.00'
S 77°22'09" W 40.00'
N 12°37'09" E 90.00'
VICINITY MAP
TACOMA ST.
SITE
WESTOVER DRIVE
HILLSIDE DRIVE
HWY
REFERENCES:
- DB 6108 PG 1541
- DB 4908 PG 825
- PB 138 PG 169
- PB 12 PG 11
- DB 1842 PG 770
NORTH CAROLINA PROFESSIONAL SEAL L-4085 LAND SURVEYOR ERIC S. MANESS
SCALE 1" = 30'
30' 15' 0 30' 60' 90'
04-16-14 #1044 7-14-2016 AMW
DATE: PROJECT #: DRAWING #: DRAWN BY: CHKD:
CITY OF ASHEVILLE BUNCOMBE COUNTY, N.C.
STREET CLOSURE SURVEY FOR:
MATT DEPORI
219 WESTOVER ALLEY
PIN: 9638-74-4545
DB 1842 PG 770
NORTH
McABEE & ASSOCIATES, P.A.

6-14-

RESOLUTION NO. 14-276

RESOLUTION ADOPTING THE 2015 LEGISLATIVE AGENDA FOR THE CITY OF ASHEVILLE

WHEREAS, the 2015 North Carolina general Assembly "long session" will convene on January 14, 2015; and

WHEREAS, the City Council of the City of Asheville has identified certain matters of local and State-wide interest where legislative action is needed or desired;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The "City of Asheville Legislative Agenda for the 2015 Session of the North Carolina General Assembly," attached hereto as Exhibit A, is hereby adopted.

The City Manager is hereby directed to transmit a certified copy of this Resolution to the members of the General Assembly whose districts include the City of Asheville.

The City Council offers the City's assistance to members of the General Assembly and the legislative staff with respect to any items listed on Exhibit A, including the provision of additional information, and further resolutions in support of specific bills.

BE IT FUTHER RESOLVED that the Asheville City Council expresses its thanks and appreciation to the members of the local delegation for their service on behalf of the City of Asheville.

Read, approved and adopted this 9th day of December, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE 2015 LEGISLATIVE AGENDA

Municipal Authority
Like all municipalities in North Carolina, Asheville has unique economic, environmental, and cultural interests. Maintaining municipal authority to promote, regulate, and celebrate these interests is essential to enable local officials to best address local needs.

- Support legislation which enables municipalities' authority to opt in to regulating digital dispatching ("car sharing") services.

Municipal Revenue
The fiscal health and responsibility of municipalities require stable revenue sources that are proportionate to the need for local services. Responsible fiscal management requires the protection of revenue sources both under, and outside of, municipal control.

- Support legislation which restores lost revenue due to the repeal of Privilege License Tax authority.
- Seek legislation to give municipalities the option to use electronic legal public notices in lieu of newspaper publication.
- Oppose sales tax distribution reform that would decrease sales tax revenue to Asheville.
- Transportation funding reform should not impact local government revenue.

Mandates
Unfunded and burdensome legislative and regulatory mandates undermine the efficiency, effectiveness and success of municipal programs and services.

- Support legislation which enhances revenue for public education and transportation infrastructure without negatively impacting existing municipal revenues.

City Services
The City of Asheville, which provides high quality services to meet the dynamic needs of its residents, requires adequate authority and flexibility to finance, operate, and manage these services.

- Oppose legislation that limits or removes local control over public utility systems.
- Oppose legislation that limits municipal control of enterprise funds.
- Support legislation that enables the collection of on street parking fees by various means, including coins, currency, tokens, credit cards, or electronic means.
- Oppose legislation that removes or limits the authority of municipal building code enforcement officers. Proposals to remove building code enforcement officers' authority to order corrections during construction compromises public safety by limiting when corrections may occur solely to the design and review phase.

Economic Vitality
An economically vital community enables Asheville to provide for opportunity, mobility, and a high quality of life for its residents.

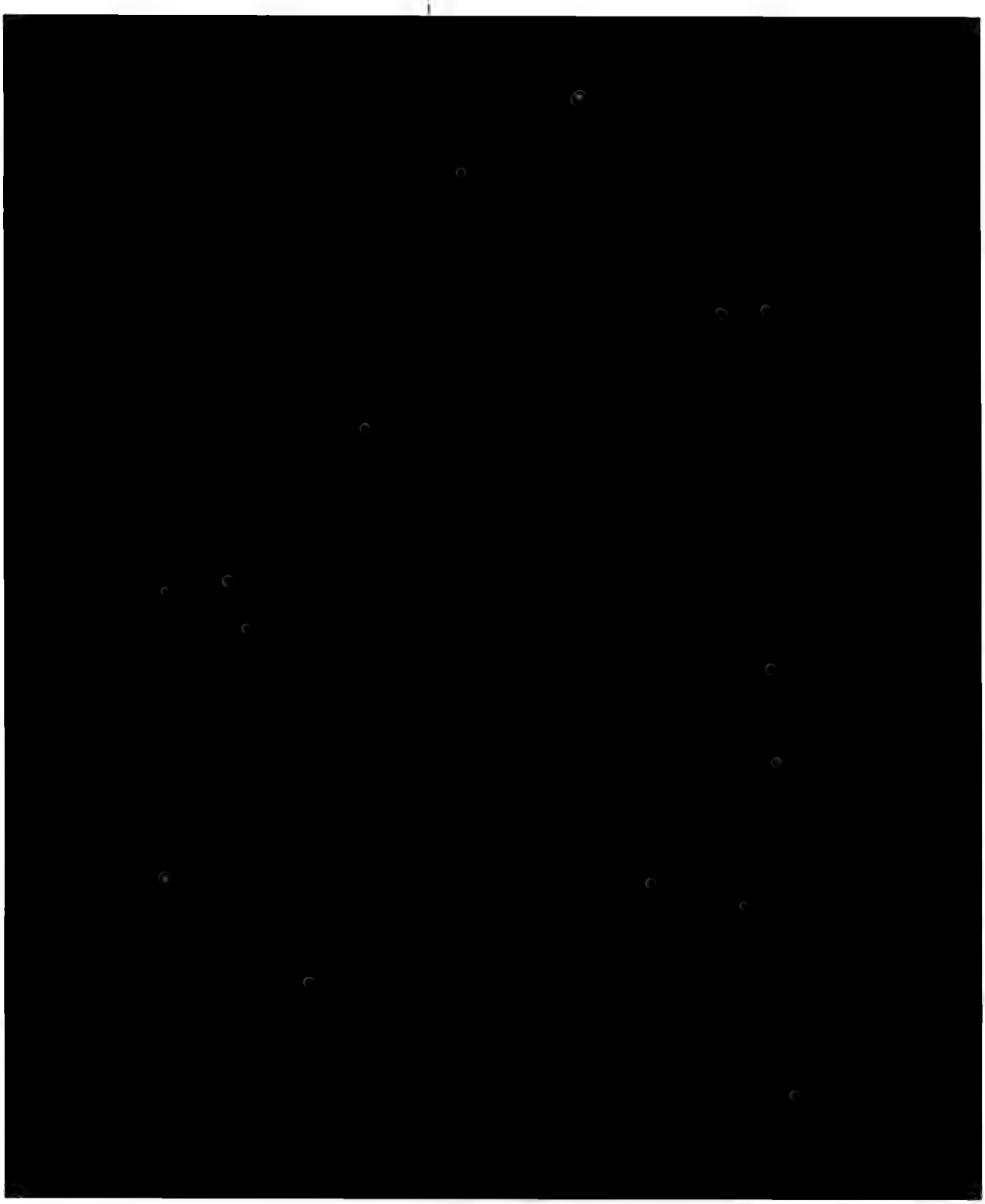
- Support restoration of economic development incentives which maximize Asheville's economic vitality, such as film and historic building tax credits.
- Restore full funding to the Job Development Investment Grant program.
- Restore funding of the state's Housing Trust Fund.
- Increase funding of the Workforce Housing Loan Program.
- Restore the State Affordable Housing Tax Credit.

Community Standards
Asheville, the largest city in Western North Carolina, is nationally known for its natural beauty, rich architectural legacy, and entrepreneurial energy. In order to promote economic vitality in a manner that maintains the unique features that make our community a desirable place to live, work, and play, municipalities and local officials need to be enabled with the tools and authority to make local decisions.

- Oppose legislation that removes or limits local control of the regulation of trees.
- Oppose legislation that preempts municipal authority to regulate design and aesthetic controls in historic districts.
- Support legislation that strengthens and/or clarifies current state law to more effectively deter and punish perpetrators who damage property, such as by committing vandalism with graffiti, with punishment not to exceed misdemeanor.

Environmental Stewardship
As a community committed to sustainability and environmental stewardship, Asheville needs adequate regulatory authority in order to maximize its partnership in environmental protection with state and federal agencies. As a city with a proud mountain heritage and identified as a destination for ecotourism and "green" industry, the Blue Ridge mountain region's natural beauty is recognized as a great benefit to the community. Environmental protection is essential to a high quality of life, cultural heritage, and economic development.

- Oppose legislation that would limit municipal authority to regulate environmental standards such as erosion control or stormwater quality.
- Support legislation that strengthens the requirements for the clean up and disposal of coal ash in coal ash ponds along the French Broad River in a manner that is equitable to rate payers.



BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

RESOLUTIONS

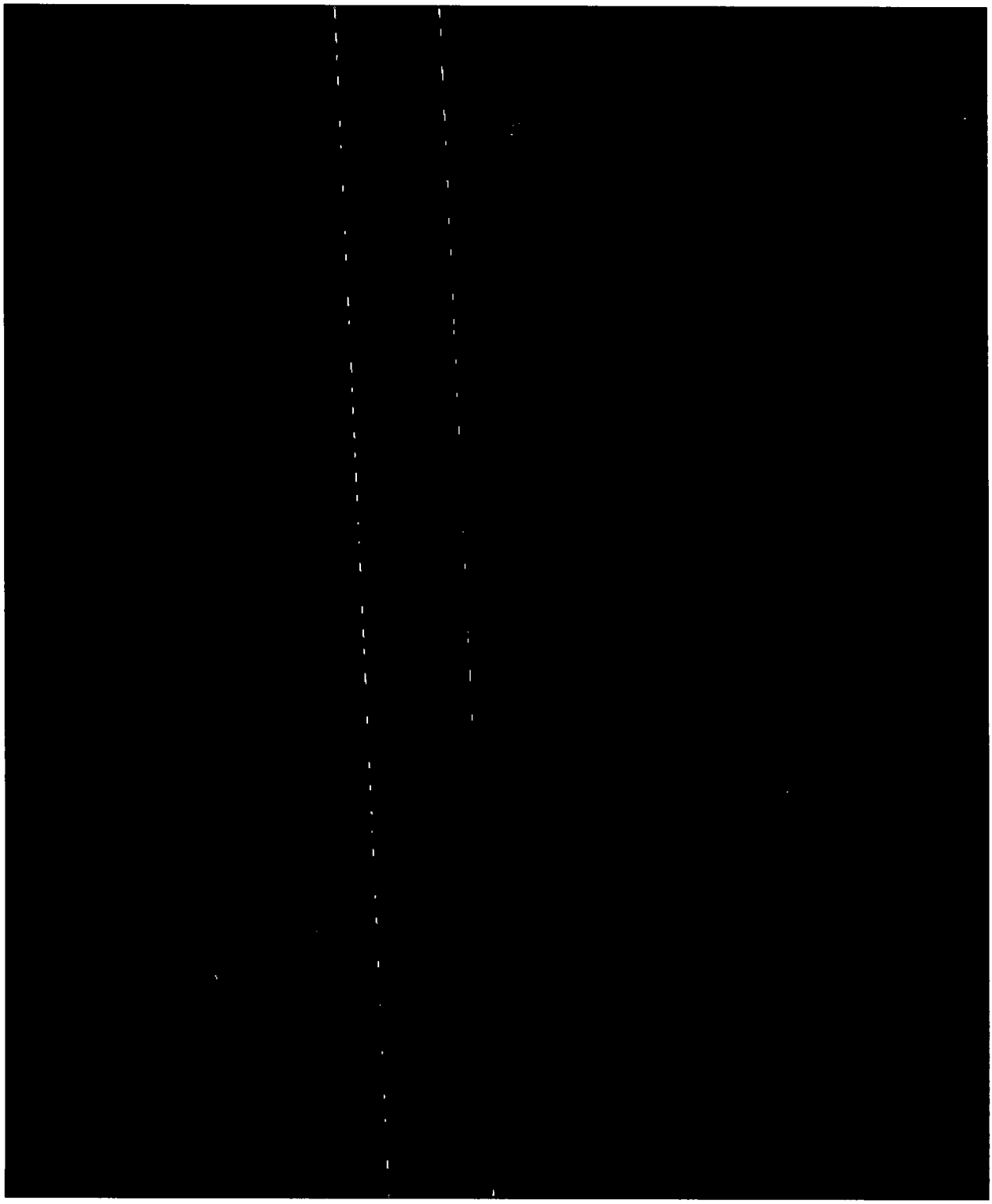
MINUTES

VOLUME: 37

(JANUARY 13, 2015 – APRIL 12, 2016)

(PAGES: INDEX - 468)

(RESOLUTIONS No: R-2015-1 – R-2016-87)



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RESOLUTION NO. 15-1

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

WHEREAS, the terms of Nelda Holder (Alternate), James Sheeler (Regular), Daniel Summerlin (Alternate) and Janet Whitworth (Regular), as members on the Board of Adjustment expire January 21, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Nelda Holder, 107 Blue Ridge Avenue, Asheville, N.C., be and she is hereby reappointed as an Alternate member of the Board of Adjustment, to serve an additional three-year term, term to expire January 21, 2018, or until her successor has been appointed.

Mr. Daniel Summerlin, 18 Ridgewood Place, Asheville, N.C., be and he is hereby reappointed as an Alternate member of the Board of Adjustment, to serve an additional three-year term, term to expire January 21, 2018, or until his successor has been appointed.

Mr. Phillip Hardin, 48 Woodvale Avenue, Asheville, N.C., be and he is hereby appointed as a Regular member of the Board of Adjustment, to serve a three-year term, term to expire January 21, 2018, or until his successor has been appointed.

Mr. Richard Fort, 9 Westview Road, Asheville, N.C., be and he is hereby appointed as a Regular member of the Board of Adjustment, to serve a three-year term, term to expire January 21, 2018, or until his successor has been appointed.

Mr. Pratik H. Bhakta, 1 Acton Circle, Asheville, N.C. be and he is hereby appointed as an Alternate member of the Board of Adjustment, to serve the unexpired alternate term of Mr. Fort, term to expire January 21, 2017, or until his successor has been appointed.

Ms. Christine Longoria, 11 Ramoth Road, Asheville, N.C. be and she is hereby appointed as an Alternate member of the Board of Adjustment, to serve the unexpired alternate term of Mr. Hardin, term to expire January 21, 2016, or until her successor has been appointed.

Read, approved and adopted this 13th day of January, 2015.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 15-2

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MICHELIN NORTH AMERICA, INC. FOR THE LEASE OF TIRES TO THE ASHEVILLE REDEFINES TRANSIT SYSTEM

WHEREAS, buses require tires to be in good condition to operate efficiently; and

WHEREAS, tires require constant replacement due to the heavy use associated with transit service; and

WHEREAS, the City considers that it is cost effective to lease the tires, from a financial and environmental prospective; and

WHEREAS, the City issued a RFP to engage a company to lease the tires; and

WHEREAS, the company, Michelin North America, Inc. was selected by the evaluation committee as the most qualified company to provide those services; and

WHEREAS, City staff recommends that the City enter into a contract with Michelin North America, Inc. for the lease of tires to the Asheville Transit System;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to enter into a contract with Michelin North America, Inc. for the lease of tires for Asheville Redefines Transit (ART) system.

Read, approved and adopted this the 13th day of January, 2015.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 15-3

RESOLUTION OPPOSING HYDRAULIC FRACTURING (FRACKING)

WHEREAS, hydraulic fracturing, or "fracking" is a method of extracting natural gas that involves injecting a mixture of water, sand, and a complex combination of toxic chemicals at an extremely high pressure to break up shale or other rock formations otherwise impermeable to the flow of natural gas; and

WHEREAS, fracking requires millions of gallons of water per well, increasing demand on regional water supplies, and

WHEREAS, fracking operations produce toxic wastewater that requires disposal in special treatment facilities that do not exist in Western North Carolina; and

WHEREAS, negative environmental and public health impacts related to hydraulic fracturing have been documented in other states, including contamination of drinking water wells, contamination of surface water, degradation of air-quality, an increase in greenhouse gas emissions, and increased incidents of earthquakes; and

WHEREAS, fracking can industrialize rural and urban areas with drilling rigs, bright lights, twenty-four hour operations, new roads, wastewater containment ponds, new pipelines, and other infrastructure that brings attendant air, water, and noise pollution detrimental to property values and future economic growth; and

WHEREAS, on June 4, 2014, Governor Pat McCrory signed the Energy Modernization Act, lifting the moratorium on fracking and allowing permits to be issued in early 2015; and

WHEREAS, the North Carolina General Assembly has allocated funding to the Department of Natural Resources to explore for the presence of shale gas in Western North Carolina and such exploration, while not scheduled to begin this year, could occur in the future; and

WHEREAS, Western North Carolina has diverse and abundant natural resources, including state and national parks and national forests, that are enjoyed by millions of people every year and that provide a basis for the region's multi-billion dollar tourist economy; and

WHEREAS, the City of Asheville has a vested interest in protecting the region's natural resources, both because of their intrinsic value and because they bring tourists and new residents to the Asheville area; and

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WHEREAS, the City of Asheville is steward to high-quality surface water sources for regional drinking water, created a conservation easement to protect those sources in 1996, and strengthened the easement in December 2012; and

WHEREAS, the City of Asheville has adopted a Sustainability Management Plan in order to address important issues of resource conservation and climate protection; and

WHEREAS, the Energy Modernization Act purports to restrict local governments from regulating or restricting fracking in their jurisdictions; and

WHEREAS, Section 5 of the North Carolina Constitution states that "It shall be the policy of the State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions...to control and limit the pollution of our air and water...and in every other appropriate way to preserve as part of our common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, open lands, and places of beauty;"

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville believes fracking in the City of Asheville and in Western North Carolina would contravene the goals of its Sustainability Management Plan and the need to preserve the region's natural resources for the region's health, economy, and quality of life;
2. The City of Asheville calls on the state not to explore future horizontal hydraulic fracturing in Western North Carolina, Buncombe County, and the City of Asheville;
3. The City of Asheville calls on the General Assembly to re-instate the ban on fracking and support the continued moratorium on injection wells in Western North Carolina, Buncombe County, and the City of Asheville;
4. The City of Asheville calls on the General Assembly to re-instate the authority of local governments to regulate fracking and its impacts if local elected officials deem it necessary.

Read, approved, and adopted this 13th day of January, 2015.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15-4

RESOLUTION AUTHORIZING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF TUTCO FARNAM IN CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and

WHEREAS, Tutco Farnam is proposing to expand its manufacturing facility within the City limits adding $2,500,000 in new capital investment in building up fits and Machinery and Equipment; and

WHEREAS, the company will retain 63 current employees and will create 50 new jobs within three years, and offers comprehensive benefits to its employees; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Clerk to advertise for a Public Hearing to be held on January 27, 2015, to consider an Economic Development Incentive Grant for up to $30,380 payable over a seven year period for Tutco Farnam International upon completion of the said project and successful completion of the terms of the performance contract.

Read and approved and adopted this 13 day of January, 2015.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 15-5

RESOLUTION AUTHORIZING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF HIGHLAND BREWING IN CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and

WHEREAS, Highland Brewing is proposing to expand its manufacturing facility within the City limits adding $5,000,000 in new capital investment in building improvements and Machinery and Equipment; and

WHEREAS, the company will create 15 new jobs within three years, with an average wage of $42,016 and offers comprehensive benefits to its employees; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Clerk to advertise for a Public Hearing to be held on January 27, 2015, to consider an Economic Development Incentive Grant for up to $60,000 payable over a five year period to Highland Brewing upon completion of the said project and successful completion of the terms of the performance contract.

Read and approved and adopted this 13th day of January, 2015.

Magdalen Bowlesson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 15-6

RESOLUTION AUTHORIZING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT AGREEMENT INVOLVING A LEASE AND OPTION TO PURCHASE OF CITY OWNED PROPERTY FOR PROJECT LAB IN THE CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and

WHEREAS, Project Lab is proposing to locate its manufacturing facility within the City limits adding $8,100,000 in new capital investment in building improvements and Machinery and Equipment; and

WHEREAS, the company will create 65 new jobs within five years, with an average wage of $35,818 and offers comprehensive benefits to its employees; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants or other incentives to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Clerk to advertise for a Public Hearing to be held on January 27, 2015, to consider an Economic Development Agreement involving a below market, Lease, and Option to Purchase city owned property, in lieu of grant payments, to Project Lab in accordance with the terms of an economic development performance agreement.

Read and approved and adopted this 13th day of January, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

8

RESOLUTION NO. 15-7

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING 0.03 ACRES OF REAL PROPERTY LOCATED AT TUSKEEGEE ST. AND MARTIN LUTHER KING, JR. DRIVE

WHEREAS, the City of Asheville holds title to real property located Tuskeegee St. and Martin-Luther King, Jr. Drive, identified as 0.03 acres (PIN # 964960632200000); and

WHEREAS, the property is not needed by the City of Asheville; and

WHEREAS, the City of Asheville has received an offer to purchase said property from Russ Stallings in the amount of $ 1,000; and

WHEREAS, North Carolina General Statues Section 160A-269 provides for the sale of real properties by negotiated offer, advertisement and upset bids;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 0.03 acres (PIN # 964960632200000) of real property located at Tuskeegee St. and Martin Luther King Dr. to Russ Stallings. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within 10 days any person may raise the bid by not less than 10% of the first $1,000 and 5% of the remainder of the purchase price of $1,000.

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey the aforementioned property to Russ Stallings. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give full effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 13th day of January, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-8

RESOLUTION FINDING THE UNOPENED FORTY FOOT RIGHT OF WAY OFF BAKER DRIVE IS NOT PART OF AN ADOPTED STREET PLAN

WHEREAS, Ronald Czecholinski has requested that the Asheville City Council adopt a resolution finding that the unopened forty foot right of way, off Baker Drive, between parcels PIN#s 9628696038/9628698020 and 9628687788 as shown on the exhibit A (attached) is not part of an adopted street plan; and

WHEREAS, N. C. Gen. Stat. sec. 136-96, states that a right of way not actually opened or used by the public within fifteen (15) years from and after the dedication thereof, can be abandoned by the public thorough the dedicator or someone or more of those claiming under the dedicator by filing and causing to be recorded in the Register of Deeds Office a Declaration of Withdrawal; and

WHEREAS, N. C. Gen. Stat. sec. 136-96 further provides that upon request, a city shall adopt a resolution indicating that the dedication described in the proposed declaration of withdrawal is or is not part of the street plan adopted under G. S. 136-66.2 and further requires that the resolution shall be attached to the declaration of withdrawal when it is recorded in the Register of Deeds Office;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The unopened forty foot right of way off Baker Drive, in the City of Asheville, County of Buncombe, State of North Carolina, as more particularly shown in Plat Book 26 at Page 79, between parcels PIN#s 9628696038/9628698020 and 9628687788 as shown on the exhibit A (attached), and recorded in the Buncombe County Register of Deeds Office, is not part of an adopted street plan adopted under N. C. Gen. Stat. sec. 136.66.2.

Read, approved and adopted this 13th day of January, 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

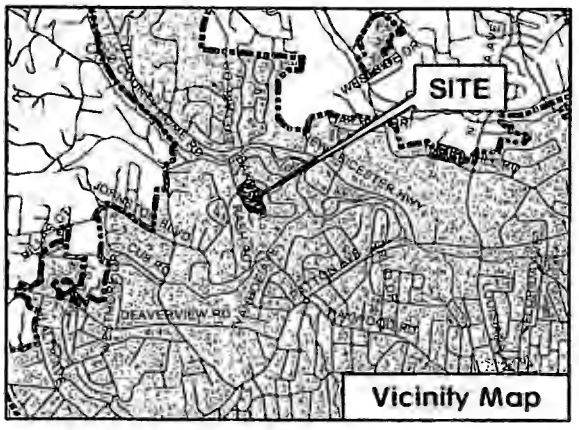
City Attorney

Magdalen Bowlson
City Clerk

. 10

City of Asheville - Exhibit A Map
Withdrawal of Dedication

Project Name:	Right-of-Way
Project Number:	N/A
Project Description:	Withdrawal of Dedication
Petitioner(s):	Ron Czecholinski
Parcel ID Number(s):	9628.69.6038; 8020, 9628.68.7788
Location/Address:	Shamby Drive



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Development Services Department - December 30, 2014

RESOLUTION NO. 15-9

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SANITARY SEWER EASEMENT AT 336-338 HILLIARD AVENUE TO THE METROPOLITAN SEWERAGE DISTRICT FOR THE HILLIARD AVENUE @ ASTON PARK GENERAL SEWER REHABILITATION PROJECT

WHEREAS, the N.C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at 336-338 Hilliard Avenue, identified as PINs# 9648187790 and # 9648187790 known as Aston Park and the Parks Maintenance Facility; and

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina hereinafter MSD, has requested a Permanent Easement containing approximately 8,015.16 square feet (or 0.184 acres) and a Temporary/Construction easement containing approximately 10,814.22 square feet (or 0.248 acres) over a portion of said property at 336-338 Hilliard Avenue; and

WHEREAS, the sewer improvements in the Hilliard Ave. @ Aston Park Project for which the easements are requested will benefit the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent and a temporary easement over a portion of property located at 336-338 Hilliard Avenue, known as Aston Park (PINS #9648183942 and PINS # 9648187790) to the Metropolitan Sewerage District of Buncombe County, North Carolina for the purposes of implementing the Hilliard Avenue @ Aston Park Project.

Read, approved and adopted this 13th day of January, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

12.

RESOLUTION NO. 15-10

RESOLUTION TO PERMANENTLY CLOSE AN UNNAMED ALLEY OFF OF BROAD STREET

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unnamed alley off of Broad Street; and

WHEREAS, City Council on the 23rd day of September, 2014 adopted a resolution of intent to permanently close an unnamed alley off of Broad Street, and ordered a public hearing on the question of the closing for the 28th day of October, 2014, then continued to January 13, 2015, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order foe public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks to said public hearing. As evidenced by the publisher's affidavit to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along an unnamed alley off of Broad Street; and

WHEREAS, at said public hearing no objections were made that the proposed closing of an unnamed alley off of Broad Street would deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and regress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to the North Carolina General Statutes Sec 160A-299, an unnamed alley off of Broad Street as herein described is permanently closed to the public

Beginning at an "X" chiseled in the sidewalk which joins the south side of Broad Street, and marks the northeast corner of the property of Broad Properties, LLC, as recorded in Deed Book. 4569 pg. 344 tract 2, and runs from said beginning south 85* 32' 33" east 5.02' to a point in said sidewalk which marks the northwest corner of Deed Book. 4569 pg. 344 tract 1. Thence with the western line of said tract 1 south 3* 13' 19" west 94.04' to a no. 4 rebar which marks the southwest corner of said tract 1. Thence with the southern line of said tract 1 south 85* 21' 23" east 5.00' to a concrete monument which marks the terminus of the 7th call in Deed Book. 2059 pg. 665. thence with the line of said Deed Book. 2059 pg. 665 the following 2 calls, south 3* 49' 10" west 15.50' to a point and north 86* 2' 16" west 10.23' to a 3/4" existing iron pipe which marks the southeast corner of Deed Book. 4569 pg. 344 tract 2. Thence with the west line of said tract 2 north 3* 24' 53" east 109.64' to the beginning. Containing 649 square feet and being a strip of land referred to as an alley in Deed Book 2059 pg. 665 and Deed Book 4569 pg. 344 tract 2.Prepared by Huntly T. King, P.L.S. on July 23, 2014 as shown on Exhibit A.

Read, approved and adopted this 13th day of January, 2015.

Magdalen Bourbeau
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourbeau
City Clerk

14

RESOLUTION NO. 15-11

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF LINAMAR CORPORATION IN CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to make appropriations for economic development purposes; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, Linamar Corporation (herein "Linamar") is proposing to expand its existing manufacturing facility within the City limits adding $190,000,000 in new capital investment in buildings and Machinery and Equipment and the creation of 400 new manufacturing jobs with an average annual wage of $39,000; and

WHEREAS, this new expansion commitment of Linamar replaces, and is an increase over, the company's second expansion announcement in June of 2012, which encompassed a $75,000,000 investment and 250 new employees; and

WHEREAS, accordingly, this Resolution replaces Resolution 12-185 authorizing an economic development incentive grant to Linamar for Phase II expansion in an amount not to exceed $1,000,000, payable in five (5) annual installments which was approved by the Asheville City Council on August 14, 2012 and for which no payments have been made;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves a performance based grant for Linamar in an amount not to exceed $3,500,000, to be paid in annual installments in an amount equal to 95% of ad valorem City property tax paid by Linamar in the prior calendar year, for a period of up to seven (7) years, with an additional period of up to two years if Linamar has achieved a benchmark of 85% of its investment; subject to compliance with an Economic Development Performance Agreement between the City and Linamar; and

2. The City Manager is hereby authorized to execute the Performance Agreement setting the conditions for both parties, subject to the approval of the City Attorney.

Read and approved and adopted this 13th day of January, 2015.

Magdalen Bowerson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowerson

RESOLUTION NO. 15-12

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE DOWNTOWN COMMISSION

WHEREAS, the terms of Bryon Greiner, Michael McDonough and Jimi Rentz, as members on the Asheville Downtown Commission, expired on December 31, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Byron T. Greiner, 86 Asheland Avenue, Asheville, N.C., be and he is hereby reappointed as a member of the Asheville Downtown Commission, to serve an additional three-year term, term to expire December 31, 2017, or until his successor has been appointed.

(2) Mr. Michael McDonough, 171 Montford Avenue, Asheville, N.C., be and he is hereby reappointed as a member of the Asheville Downtown Commission, to serve an additional three-year term, term to expire December 31, 2017, or until his successor has been appointed.

(3) Mr. Jimi Rentz, 20 Colonial Place, Asheville, N.C., be and he is hereby reappointed as a member of the Asheville Downtown Commission, to serve an additional three-year term, term to expire December 31, 2017, or until his successor has been appointed.

Read, approved and adopted this 13th day of January, 2015.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson

16

RESOLUTION NO. 15-13

RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, the terms of Ryan Blau, Lael Gray and Matthew Raker, as members of the Sustainable Advisory Committee on Energy & the Environment, expired on December 31, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Lael Gray, 28 Westover Drive, Asheville, N.C., be and she is hereby reappointed to the Sustainable Advisory Committee on Energy & the Environment, to serve an additional three year term, term to expire December 31, 2017, or until her successor has been appointed.

(2) Ms. Katie Bray, 87 Martin Avenue Asheville, N.C., be and she is hereby appointed to the Sustainable Advisory Committee on Energy & the Environment, to serve a three year term, term to expire December 31, 2017, or until her successor has been appointed.

Read, approved and adopted this 13th day of January, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson

RESOLUTION NO. 15-14

RESOLUTION APPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

WHEREAS, the term of Leesa Gibbs, as a member of the Firemen's Relief Fund, expired on January 1, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Barbara Whitehorn, Post Office Box, 7148, Asheville, N.C., be and she is hereby appointed, as a member of the Firemen's Relief Fund, to serve a two year term, term to expire January 1, 2017, or until her successor has been appointed.

Read, approved and adopted this 13th day of January, 2015.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 15-15

RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

WHEREAS, the term of Bill Russell, as a member on the Metropolitan Sewerage District Board of Directors, expired on January 19, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilwoman Gwen Wisler, be and she is hereby appointed, as a member on the Metropolitan Sewerage District Board of Directors, to serve a three year term, term to expire January 19, 2018.

Read, approved and adopted this 13th day of January, 2015.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock

RESOLUTION NO. 15-16

RESOLUTION APPOINTING A MEMBER TO THE NOISE ORDINANCE APPEALS BOARD

WHEREAS, John Hayes has resigned as a Regular member on the Noise Ordinance Appeals Board, thus leaving an unexpired term until July 1, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Victor S. Fahrer, 333 Montford Avenue, Asheville, N.C., be and he is hereby appointed as a Regular member to the Noise Ordinance Appeals Board to serve the unexpired term of Mr. Hayes until July 1, 2015, and then a full three-year term, term to expire July 1, 2018, or until his successor has been appointed.

Read, approved and adopted this 13th day of January, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-17

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TREE COMMISSION

WHEREAS, the terms of Brandee Boggs, Amy Kemp and Bob Gale, as members on the Asheville Tree Commission, expired on December 31, 2014; and

WHEREAS, Jonathan Gach and Matthew Schlosser have resigned as members, thus leaving two unexpired terms until December 31, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Marc Williams, Post Office Box 6362, Asheville, N.C., be and he is hereby appointed as a member of the Asheville Tree Commission, to serve a three year term, term to expire December 31, 2017, or until his successor has been appointed.

(2) Mr. Carl Nyberg, 9 Buckingham Court, Asheville, N.C., be and he is hereby appointed as a member of the Asheville Tree Commission, to serve a three year term, term to expire December 31, 2017, or until his successor has been appointed.

(3) Mr. Justin Price, 74 Cumberland Avenue, Asheville, N.C., be and he is hereby appointed as a member of the Asheville Tree Commission, to serve a three year term, term to expire December 31, 2017, or until his successor has been appointed.

(4) Ms. Leslee Reiter, 6 Northwood Road, Asheville, N.C., be and she is hereby appointed as a member of the Asheville Tree Commission, to serve the unexpired term of Mr. Gach, term to expire December 31, 2015, or until her successor has been appointed.

(5) Mr. Stephen Hendricks, 27 Colonial Place, Asheville, N.C., be and he is hereby appointed as a member of the Asheville Tree Commission, to serve the unexpired term of Mr. Schlosser, term to expire December 31, 2015, or until his successor has been appointed.

Read, approved and adopted this 13th day of January, 2015.

Magdalen Bowlesson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson

RESOLUTION NO. 15-18

RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOTIATIONS AND EXECUTE A CONTRACT WITH BROWN AND CALDWELL FOR THE PROFESSIONAL SERVICES ASSOCIATED WITH AN ASSESSMENT OF THE CITY'S STORMWATER SYSTEM

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville has solicited qualifications from engineering firms to provide professional services for an assessment of the stormwater system and Brown and Caldwell Environmental Engineers was the most qualified firm; and

WHEREAS, the City wishes to develop a 10 year CIP stormwater priority list for improvements to the stormwater system; and

WHEREAS, the City's goal is to continue to be proactive with stormwater related projects;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Manager is hereby authorized to complete negotiations and execute a contarct with Brown and Caldwell for the professional services associated with an assessment of the City's stormwater system for a contract amount of $500,000, and to enter into change orders to this contract not to exceed 10% of the original contract ($50,000) for a total contract amount not to exceed $550,000.

Read, approved and adopted this the 27th day of January, 2015.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

22

RESOLUTION NO. 15-19

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO AND ACCEPT FEDERAL FUNDING FROM THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION

WHEREAS, pursuant to 160A-17.1, local governments are authorized to make contracts for, and to accept grants-in-aid and loans from the federal and state governments and their agencies; and

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has opened a call for projects for federal Surface Transportation Program – Directly Attributable (STP-DA) funds and Transportation Alternatives Program (TAP) funding sources; and

WHEREAS, the City of Asheville has identified projects that are eligible for this funding; and

WHEREAS, if any of these projects are funded, local matching funds will be required; and

WHEREAS, if any of these projects are funded, agreements can be expected to be required from the granting and administering agencies prior to receipt of the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council of the City of Asheville hereby authorizes the City Manager to apply to the French Broad River MPO for STP-DA and TAP funding.

2. The City Council of the City of Asheville intends to provide the required local match if grant funding is awarded.

3. The City Council of the City of Asheville hereby authorizes the City Manager to sign and execute agreements between granting or administering agencies and the City of Asheville to accept the grant(s) and approve the projects.

Read, approved and adopted this 27th day of January, 2015

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-20

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CLARK PATTERSON LEE FOR PROFESSIONAL SERVICES RELATED TO THE DESIGN AND REMODEL OF THE 7TH AND 8TH FLOORS OF CITY HALL

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville desires to renovate and remodel the 7th and 8th floors of City Hall and the proposed professional services are necessary to design the proposed project; and

WHEREAS, the amount of the Agreement is $271,155.00 and the monies have been budgeted in the Capital Improvement Program in the 2011-12 Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Clark Patterson Lee for professional services related to the design and remodel of the 7th and 8th floors of City Hall and further authorized to execute any change orders to said contract or documents which may arise during performance of said project up to the budgeted amount.

Read, approved and adopted this the 27th day of January, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

24

RESOLUTION NO. 15-21

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE TREE COMMISSION

WHEREAS, on January 13, 2015, by Resolution No. 15-17, City Council appointed Mr. Carl Nyberg to fill the expired term of Ms. Amy Kemp; and

WHEREAS, an error was made in calculating the terms and Ms. Kemp was eligible to serve another term; and

WHEREAS, Mr. Nyberg has agreed to give up his term until the next available seat on the Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Carl Nyberg, 9 Buckingham Court, Asheville, N.C., be and he is hereby removed as a member of the Tree Commission, until the next vacancy, in order to allow Ms. Amy Kemp to serve another term.

(2) Ms. Amy Kemp, 25 N. Liberty Street, Asheville, N.C., be and she is hereby reappointed as a member of the Asheville Tree Commission, to serve an additional three year term, term to expire December 31, 2017, or until her successor has been appointed.

Read, approved and adopted this 27th day of January, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15 - 22

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANTEE'S ACCEPTANCE AND UNDERSTANDING FORM WITH Z. SMITH REYNOLDS FOUNDATION TO ACCEPT THE TERMS OF GRANT FOR FUNDING FOR THE PILOT PROJECT *"BUILDING NEIGHBORHOOD CAPACITY AND LEADERSHIP ACROSS RACE AND CLASS"* AND A SUB-AWARD AGREEMENT WITH SOCIAL PROFIT STRATEGIES TO DEVELOP THE GRANT FUNDED PROGRAM

WHEREAS, the City of Asheville has been awarded second year funding for a one-year grant of $30,000 by Z. Smith Reynolds Foundation to partner with Social Profit Strategies to support the ongoing pilot to build neighborhood capacity and strengthen leadership of the Housing Authority Residents' Council, residents' associations of public housing and other neighborhoods; and

WHEREAS, the pilot program has resulted in the strengthening of resident leadership in Asheville's public housing communities and the establishment of additional strategies to empower residents of all City neighborhoods to work together to address existing public safety issues in order to improve the quality of life for all who live, work and visit the neighborhood; and

WHEREAS, Asheville City Council has set a strategic goal to make Asheville one of the safest cities in America and this pilot will help public housing and other neighbors participate in actions identified to meet that goal; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign the Grantee's Acceptance and Understanding Form with Z. Smith Reynolds and the Sub-Award Agreement with Social Profits Strategies for the grant year 2015.

Read, approved and adopted this 27th day of January, 2015.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

26

RESOLUTION NO. 15-23

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF TUTCO FARNAM IN THE CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to make appropriations for economic development purposes; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, Tutco Farnam is proposing to expand its manufacturing facility within the City limits adding $2,500,000 in new capital investment in building up fits and Machinery and Equipment; and

WHEREAS, the company will retain 63 current employees and will create 50 new jobs within three years with an hourly wage of $11.09 per hour and offers comprehensive benefits to its employees; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves a grant for Tutco Farnam not to exceed $30,380 payable in seven (7) annual installments, subject to compliance with a Performance Agreement between the City and Tutco Farnam; and

2. The City Manager is hereby authorized to execute the Performance Agreement setting the conditions for both parties, subject to approval of the City Attorney.

Read and approved and adopted this 27th day of January, 2015.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 15-24

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR HIGHLAND BREWING EXPANSION PROJECT

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to make appropriations for economic development purposes; and

WHEREAS, Highland Brewing is proposing to significantly expand its operations within the City limits adding $5,000,000 in new capital investment in new machinery, equipment, and buildings and the creation of 15 jobs that pay at or above the Buncombe County average weekly wage; and

WHEREAS, the City of Asheville has adopted an economic development incentives policy offering grants to qualifying businesses locating and expanding within the corporate limits;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves a grant for Highland Brewing not to exceed $60,000 payable in five (5) annual installments, subject to compliance with a Performance Agreement between the City and Highland Brewing; and

2. The City Manager is hereby authorized to execute the Performance Agreement setting the conditions for both parties, subject to approval of the City Attorney.

Read and approved and adopted this 27th day of January, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

28

RESOLUTION NO. 15-25

RESOLUTION AUTHORIZING ECONOMIC DEVELOPMENT INCENTIVES FOR WHITE LABS LOCATION IN THE CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to make appropriations for economic development purposes; and

WHEREAS, White Labs is proposing to locate a significant new laboratory, testing facility, administrative and marketing functions and otherwise expand its operations within the City limits adding $8,100,000 in new capital investment in new machinery, equipment, and building improvements and the creation of 65 jobs that pay at or above the Buncombe County average weekly wage; and

WHEREAS, the City of Asheville has adopted an economic development incentives policy offering incentives to qualifying businesses locating and expanding within the corporate limits;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves a lease, economic development performance agreement and option(s) to purchase with White Labs;
2. The City Manager is hereby authorized to execute the lease, economic development Performance Agreement, and option(s) setting the conditions for both parties, subject to approval of the City Attorney

Read and approved and adopted this 27th day of January, 2015.

Magdalen Bourleson
CITY CLERK

Esther Manheimer
MAYOR

Approved as to form:

Robin Currin
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-26

RESOLUTION AUTHORIZING AN AGRICULTURAL LEASE WITH BALSAM GARDENS, LLC ON A PORTION OF CITY-OWNED REAL PROPERTY OFF OF HARDESTY LANE AT AZALEA PARK

WHEREAS, the City of Asheville is the owner of real property located off of Hardesty Lane; known as Azalea Park, identified as PIN #s 9668-22-0260, and 9668-31-9966; and

WHEREAS, Balsam Gardens, LLC, a certified organic farmer, has offered to enter into an agricultural lease agreement in order to operate a commercial farm on 11+/- acres of the property at Hardesty Lane; and

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into leases of 10 years or less upon resolution of the City Council adopted at a regular meeting after 10 days' public notice; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed agricultural lease agreement on January 2, 2015, in the Asheville Citizen-Times; and

WHEREAS, the initial term of the lease agreement will be for three (3) years with the option to renew for one (1) additional three (3) year period; and

WHEREAS, the City has no anticipated need for this portion of the property during the term of the lease;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute sec. 160A-272, the City Manager is hereby authorized to execute the Lease Agreement between the City of Asheville and Balsam Gardens, LLC for agricultural use on city property at Hardesty Lane, at an initial rental rate of $3,300 per year with 3% annual escalations.

Read, approved and adopted this 27 day of January, 2015.

Magdalen Bradley
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bradley
City Clerk

30

RESOLUTION NO. 15-27

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL

WHEREAS, the terms of Rachael Tanksley-Russell and Mike Hahn, as members on the Asheville-Buncombe Community Relations Council, expired on December 31, 2014; and

WHEREAS, Fyffe Aschenbrenner has resigned from the Council, thus leaving an unexpired term until December 31, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Rachael Tanksley-Russell, 86 Nebraska Street, Asheville, N.C., be and she is hereby reappointed to the Asheville-Buncombe Community Relations Council, to serve a three-year term, term to expire December 31, 2017, or until her successor has been appointed.

(2) Mr. Mike Hahn, 17 Parkview Drive, Asheville, N.C., be and he is hereby reappointed to the Asheville-Buncombe Community Relations Council, to serve an additional three-year term, term to expire December 31, 2017, or until his successor has been appointed.

(3) Ms. Kelly Denson, 27 Wamboldt Avenue, Asheville, N.C., be and she is hereby appointed to the Asheville-Buncombe Community Relations Council, to serve the unexpired term of Ms. Aschenbrenner, term to expire December 31, 2016, or until her successor has been appointed.

Read, approved and adopted this 27th day of January, 2014.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-28

RESOLUTION APPOINTING A MEMBER TO THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, the term of Matthew Raker, as a member of the Sustainable Advisory Committee on Energy & the Environment, expired on December 31, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. John Noor, 436 New Haw Creek Road, Asheville, N.C., be and he is hereby appointed to the Sustainable Advisory Committee on Energy & the Environment, to serve a three year term, term to expire December 31, 2017, or until his successor has been appointed.

Read, approved and adopted this 27th day of January, 2015.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

32

RESOLUTION NO. 15-29

RESOLUTION TO ACCEPT A GRANT FROM THE NORTH CAROLINA DEPARTMENT OF INSURANCE, OFFICE OF STATE FIRE MARSHAL OF THEIR 2015 HOME SAFETY GRANT OF SMOKE DETECTORS AND FIRE PREVENTION EDUCATIONAL MATERIALS.

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, the City of Asheville is interested in improving the quality of life of its citizens by providing and installing free smoke alarms to high risk populations within the corporate limits of the City of Asheville; and

WHEREAS, the North Carolina Department of Insurance, Office of the State Fire Marshal (OSFM) is providing smoke alarms and educational materials valued at $10,180.00 to the City of Asheville through their 2015 Home Fire Safety Grant; and

WHEREAS, The Asheville Fire Department, together with the Asheville Firefighter's Association (Local 865), strive to keep citizens safe from death or injury due to fire through our current program that allows low income households to obtain a free smoke alarm; and

WHEREAS, this OSFM Home Safety Grant is an enhancement and expansion of our current fire prevention and life safety efforts of providing citizens free smoke alarms,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept on behalf of the City of Asheville the 2015 Home Safety Grant materials offered by the North Carolina Department of Insurance, Office of the State Fire Marshal.

Read, approved and adopted this 10th day of February, 2015.

Magdalen Bowlson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-30

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANT AGREEMENT WITH THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR $1.8 MILLION FROM THE 2014 TOURISM PRODUCT DEVELOMENT FUND CYCLE

WHEREAS, the BCTDA awarded the City $1.8 Million of funds for Riverfront Destination Development Projects in October 2014; and

WHEREAS, the City of Asheville wishes to leverage funds for the Economic Development Capital Improvement Plan; and

WHEREAS, City Council has identified implementation of riverfront redevelopment capital improvement projects as a key strategic goal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign the grant agreement with the BCTDA for $1.8 Million of 2014 Tourism Product Development Fund cycle funds.

Read, approved and adopted this 10th day of February, 2015.

Magdalen Bowleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15- 31

RESOLUTION TO APPROVE LOANS FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, two (2) qualified applications for 2014-2015 Housing Trust Fund loans have been received; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposals and has made its recommendation to Council to approve two (2) Housing Trust Fund loans;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. A loan of $200,000 at 0% interest rate and no principal payment, for a term of 30 years is approved for Biotat LLC for the development of 24 rental units located at 29 Oak Hill Drive, (PIN No. 962990209300000); to be made available for disbursement upon firm commitment of all sources of funding for the project and in accord with the Housing Trust Fund Policies. These twenty-four (24) units shall be restricted to families earning 50% or less of the Area Median Income.

2. A loan of $60,000 at 2.75% interest, fully amortizing loan for a term of 30 years, with the developer making a cash contribution of $3,500 to the City at the time of closing, is approved for Beaucatcher Commons, LLC, for six rental single-family homes located at 255 Hazel Mill Road, PIN No. 963848076900000 to be made available for disbursement upon firm commitment of all sources of funding for the project and in accord with the Housing Trust Fund Policies. These six (6) units shall be restricted to families earning 80% or less of the Area Median Income.

3. A loan of $60,000, interest-only at 2.00% annual interest with principal deferred for 20 years, is approved for Beaucatcher Commons, LLC, for six rental apartments located at 255 Hazel Mill Road, PIN No. 963848076900000 to be made available for disbursement upon firm commitment of all sources of funding for the project and in accord with the Housing Trust Fund Policies. These six (6) units shall be restricted to families earning 60% or less of the Area Median Income.

Read, approved and adopted this 10th day of February, 2015.

Magdalen Bourleson
CITY CLERK

Esther Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-32

RESOLUTION AUTHORIZING THE ASHEVILLE FIRE DEPARTMENT TO APPLY FOR A GRANT FROM THE US DEPARTMENT OF HOMELAND SECURITY TO OBTAIN FUNDING FOR 83 SELF CONTAINED BREATHING APPARATUS' (SCBAs)

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the US Department of Homeland Security is taking applications for the Fiscal Year 2010 AFG grant program for the purpose of providing equipment and tools for firefighters, and

WHEREAS, the Asheville Fire Department wishes to apply for a grant in the amount of $655,700 to obtain funding for 83 SCBAs,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The fire department is hereby authorized to apply for the Fiscal Year 2015 AFG grant with the US Department of Homeland Security, for a grant in the amount of $655,700 for 83 SCBAs.

Read, approved and adopted this 10th day of February, 2015

Magdalen Bowleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15-33

RESOLUTION APPROVING LOCAL AMENDMENT TO MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE SETTING 30 DAY RETENTION REQUIREMENT FOR LAW ENFORCEMENT VIDEO AND AUDIO RECORDINGS

WHEREAS, pursuant to N.C. Gen. Stat. § 121-5(b) public records may only be destroyed with the consent of the North Carolina Department of Cultural Resources; and

WHEREAS, the North Carolina Department of Cultural Resources periodically publishes a Municipal Records Retention and Disposition Schedule providing consent to the destruction of various categories of municipal records after a certain period of time; and

WHEREAS, the current Municipal Records Retention and Disposition Schedule does not provide consent for the destruction of law enforcement video and audio recordings generated by mobile and fixed recording devices not made part of a case file; and

WHEREAS, the Asheville Police Department currently has many video recordings in its possession and anticipates creating many more in the future; and

WHEREAS, the North Carolina Department of Cultural Resources has agreed to a local amendment to the Municipal Records Retention and Disposition Schedule;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville approves a local amendment to the North Carolina Department of Cultural Resources Municipal Records Retention and Disposition Schedule establishing a thirty (30) day minimum retention period for law enforcement audio and video recordings.

Read, approved and adopted this 10th day of February, 2015

Magdalen Bowlerson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 15--34

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL SERVICES CONTRACT WITH HYPERSIGN/AVIONEX LLC. TO PROVIDE DIGITAL MENU BOARD SOLUTIONS AND RELATED EQUIPMENT AT THE US CELLULAR CENTER FOR A THREE (3) YEAR PERIOD

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the U.S. Cellular Center utilizes sales of food and beverage products as a significant revenue source for operations; and

WHEREAS, the U.S. Cellular Center issued a request for proposals for Digital Menu Display Boards and Control Software and maintenance and warranty of all necessary equipment; and

WHEREAS, Hypersign/Avionex LLC. was selected as the winning bidder since their proposal contained the most favorable terms for the U.S. Cellular; and

WHEREAS, the contract with Hypersign/Avionex LLC. will have a term of three (3) years, at a cost not to exceed $80,000 over the term of the contract, and the monies have been budgeted in the Civic Center's Fiscal Year Budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Hypersign/Avionex LLC, for Digital Menu Display boards and control Software based on the terms and conditions outlined above. City Manager is further authorized to execute any change orders or extensions to said contract up to the budgeted amount.

Read, approved and adopted this the 10th day of February, 2015.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-35

RESOLUTION APPOINTING A MEMBER TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

WHEREAS, Douglas Tate has resigned as a member of the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority, thus leaving a vacancy until June 30, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Stephanie Brown, Post Office Box 1010, Asheville, N.C., be and she is hereby appointed as a member of the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority, to serve the unexpired term of Mr. Tate, term to expire on June 30, 2016, or until her successor has been appointed.

Read, approved and adopted this 10th day of February, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-36

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS/POLICE ADVISORY COMMITTEE

WHEREAS, Mr. Brad Galbraith (south representative) has resigned as a member of the Citizens-Police Advisory Committee, thus leaving an unexpired term until June 30, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Clifford Joslin, 37 Bideford Row, Asheville, N.C., be and he is hereby appointed as the south area representative on the Citizens/Police Advisory Committee, to serve the unexpired term of Mr. Galbraith, term to expire June 30, 2017, or until his successor has been appointed.

Read, approved and adopted this 10th day of February, 2015.

Magdalen Burleson
CITY CLERK

Esther Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

40

RESOLUTION NO. 15-37

RESOLUTION APPOINTING CHAIR TO THE CIVIL SERVICE BOARD

WHEREAS, it is the responsibility of City Council to appoint the Chair of the Civil Service Board; and

WHEREAS, current Chair Marvin Rosen has asked to step down as Chair;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Alan Coxie, Post Office Box 1261, Asheville, N.C., be and he is hereby appointed as Chairman of the Civil Service Board to serve the unexpired term of Mr. Rosen, term to expire June 25, 2015, or until his successor is duly and annually appointed by the City Council, as provided by law.

Read, approved and adopted this 10th day of February, 2014.

Magdalen Bullison
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullison
City Clerk

RESOLUTION NO. 15-38

RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, Richard Leatherman has resigned as a member of the Homeless Initiative Advisory Committee, thus leaving an unexpired term until November 1, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Allison Bond, 125 Stonecrest Drive, Asheville, N.C., be and she is hereby appointed as a member of the Homeless Initiative Advisory Committee, to serve the unexpired term of Mr. Leatherman, term to expire November 1, 2015, and then a full three-year term, term to expire November 1, 2018, or until her successor is duly appointed.

Read, approved and adopted this 10th day of February, 2015.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

42

RESOLUTION NO. 15-39

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH SCHNABEL ENGINEERING SOUTH, PC, FOR THE NORTH FORK WTP DAM/SPILLWAY UPGRADE PHASE I: DESIGN PROJECT.

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Schnabel Engineering South, PC, was selected by Staff via a Request for Qualifications process as the most qualified firm to perform professional engineering services related to the North Fork Water Treatment Plant Dam/Spillway Upgrade Phase I: Design Project for a cost proposal in the amount of $3,903,350;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a professional engineering services agreement with Schnabel Engineering South, PC, for the North Fork WTP Dam/Spillway Upgrade Phase I: Design project for the proposal amount of $3,903,350.

Read, approved and adopted this 24th day of February, 2015.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-40

RESOLUTION REVISING THE NAME OF THE "SUSTAINABLE ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT" TO "SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT"

WHEREAS, on September 26, 2006, City Council adopted Resolution No. 06-171, establishing a committee to be known as the Sustainable Advisory Committee on Energy & the Environment; and

WHEREAS, the Committee feels, and City Council agrees, that the name "Sustainable" is confusing and requests it be changed to "Sustainability;"

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The name of the "Sustainable Advisory Committee on Energy & the Environment" be changed to the "Sustainability Advisory Committee on Energy & the Environment."

Read, approved and adopted this 24th day of February, 2015.

Magdalen Bowlesson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

44

RESOLUTION NO. 15-41

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL AND POLICY

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the federal and State governments and their agencies and to enter into contracts for the administration of said grants: and

WHEREAS, the Executive Office of the President, Office of National Drug Control and Policy has awarded the City of Asheville the amount of $30,980 to act as the fiduciary for the Asheville High Intensity Drug Trafficking Area (HIDTA) ;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, accept and enter into an agreement with the Executive Office of the President, Office of National Drug Control and Policy in the amount of $30,980. .

Read, approved, and adopted this 24th day of February, 2015.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 15-42

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED SUB-RECIPIENT AGREEMENT WITH THE CITY OF HENDERSONVILLE FOR FEDERAL TRANSIT ADMINISTRATION 2012 NEW FREEDOM GRANTS FUNDING

WHEREAS, the City of Asheville has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants; and

WHEREAS, the City of Asheville is the direct recipient of New Freedom Grant funding from the Federal Transit Administration and a Designated Recipient; and

WHEREAS, the City of Hendersonville, was awarded New Freedom Grant funding in 2012, and required to enter into a sub-recipient agreement with the City of Asheville for use of the grant funds; and

WHEREAS, the Metropolitan Planning Organization with the approval of the Federal Transit Administration authorized a transfer of unused and available 2012 New Freedom Grant Funds to the City of Hendersonville, requiring an amended sub-recipient agreement with the City of Asheville.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to amend the 2012 sub-recipient agreement with the City of Hendersonville for New Freedom Grant Funds to reflect changes in the project budget, expand the scope of services and to extend the period of performance.

2. The City Manager is further authorized to make any and all amendments as necessary to effectuate and execute all requirements of the Federal Transit Administration relative to the above referenced project.

Read, approved and adopted this the 24th day of February, 2015.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

46

RESOLUTION NO. 15-43

RESOLUTION APPROVING THE SUBMISSION OF A RE-ACCREDITATION APPLICATION ON BEHALF OF THE WNC NATURE CENTER TO THE ASSOCIATION OF ZOO AND AQUARIUMS

WHEREAS, the WNC Nature Center of the City of Asheville has been an accredited member of the Association of Zoos and Aquariums since 1999; and

WHEREAS, accreditation renewal is required every five years, and is due in 2015; and

WHEREAS, application to apply for accreditation renewal requires the approval of the governing authority of the City of Asheville.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to approve the submission of the City of Asheville's re-accreditation application on behalf of the WNC Nature Center to the Association of Zoos and Aquariums.

Read, approved and adopted this 24th day of February, 2015.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 15-44

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH HAREN CONSTRUCTION COMPANY, INC., FOR THE NORTH FORK WATER TREATMENT PLANT DAM INTAKE TOWER AND CONDUIT REPAIRS PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the North Fork Water Treatment Plant Dam Intake Tower and Conduit Repairs Project; and

WHEREAS, Haren Construction Company, Inc., of Etowah, TN, was the lowest responsible, responsive bidder for the Project, in the amount of $1,658,000, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves construction and installation of all materials, labor, incidentals, and equipment necessary to repair, refurbish, reinforce, and partially replace the intake tower and conduit at the North Fork Water Treatment Plant in Black Mountain, NC; and

WHEREAS, the bids have been reviewed by the Water Resources Department, Schnabel Engineering South, P.C., and the City's Office of Economic Development (Minority Business Plan Compliance) with all offices recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.

2. The City Manager is hereby authorized to execute the contract with Haren Construction Company, Inc., for the bid amount of $1,658,000. City Council also grants approval of a contingency amount of $165,800 for a total project budget in the amount of $1,823,800.00 for the North Fork Water Treatment Plant Dam Intake Tower and Conduit Repairs Project. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 10th day of March, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

BID COMPARISION WORKSHEET

Project Name: North Fork Dam Intake Tower and Conduit Repairs
Project Location: Black Mountain, NC

Project Number: 14821023
Bid Date: 2/11/2015

Schnabel ENGINEERING

Item	Bid Item Description	Estimated Quantity	Unit	Avg Unit Price From Bidders	Haren Contracting		NHM Constructors		Crowder Construction	
					Unit Price	Total	Unit Price	Total	Unit Price	Total
2.1	Mobilization, and Demobilization	1.0	LS	$84,000.00	$50,000.00	$50,000.00	$90,000.00	$90,000.00	$112,000.00	$112,000.00
2.2	Temporary Facilities and Controls	1.0	LS	$134,641.67	$291,125.00	$291,125.00	$32,800.00	$32,800.00	$80,000.00	$80,000.00
2.3	Structure Demolition	1.0	LS	$85,000.00	$40,000.00	$40,000.00	$115,000.00	$115,000.00	$100,000.00	$100,000.00
2.4	Cast-In-Place Concrete									
	CIP Concrete, Structural	16.0	CY	$1,550.00	$950.00	$15,200.00	$1,200.00	$19,200.00	$2,500.00	$40,000.00
	CIP Concrete, Lean	255.0	CY	$308.33	$250.00	$63,750.00	$240.00	$61,200.00	$435.00	$110,925.00
2.5	Cellular Concrete	1.0	LS	$267,666.67	$250,000.00	$250,000.00	$253,000.00	$253,000.00	$300,000.00	$300,000.00
2.6	Metal Fabrications	1.0	LS	$18,500.00	$10,000.00	$10,000.00	$10,500.00	$10,500.00	$35,000.00	$35,000.00
2.7	FRP Ladder	1	LS	$15,500.00	$10,000.00	$10,000.00	$16,500.00	$16,500.00	$20,000.00	$20,000.00
2.8	FRP Platforms	1	LS	$45,233.33	$20,000.00	$20,000.00	$85,700.00	$85,700.00	$30,000.00	$30,000.00
2.9	FRP Stem Guides	8	EA	$1,016.67	$650.00	$5,200.00	$400.00	$3,200.00	$2,000.00	$16,000.00
2.10	Painting	1								
	Intake Tower	1	LS	$322,000.00	$260,000.00	$260,000.00	$316,000.00	$316,000.00	$390,000.00	$390,000.00
	Access Bridge	1	LS	$242,333.33	$210,000.00	$210,000.00	$231,000.00	$231,000.00	$286,000.00	$286,000.00
	Conduits	1	LS	$132,666.67	$110,000.00	$110,000.00	$135,000.00	$135,000.00	$153,000.00	$153,000.00
2.11	Filter Diaphragm	1	LS	$33,666.67	$45,000.00	$45,000.00	$21,000.00	$21,000.00	$35,000.00	$35,000.00
2.12	Erosion & Sediment Controls	1	LS	$15,333.33	$5,000.00	$5,000.00	$21,000.00	$21,000.00	$20,000.00	$20,000.00
2.13	PVC Piping	1	LS	$66,000.00	$50,000.00	$50,000.00	$76,000.00	$76,000.00	$72,000.00	$72,000.00
2.14	Water Utility Piping									
	Trial Dewatering	1	LS	$5,833.33	$500.00	$500.00	$10,000.00	$10,000.00	$7,000.00	$7,000.00
	Pipe Replacement	1	LS	$62,833.33	$20,000.00	$20,000.00	$126,500.00	$126,500.00	$42,000.00	$42,000.00
	Pipe Modifications	1	LS	$8,083.33	$2,500.00	$2,500.00	$4,750.00	$4,750.00	$17,000.00	$17,000.00
2.15	HDPE Pipe and Fittings									
	HDPE Sample Lines	2,700	LF	$4.75	$1.75	$4,725.00	$7.50	$20,250.00	$5.00	$13,500.00
	48-INCH DIA HDPE Pipe	546	LF	$301.67	$350.00	$191,100.00	$255.00	$139,230.00	$300.00	$163,800.00
2.16	Pressure Gauge Replacement	6	EA	$316.67	$150.00	$900.00	$400.00	$2,400.00	$400.00	$2,400.00
2.17	Bolt Replacement	300	EA	$26.67	$10.00	$3,000.00	$10.00	$3,000.00	$60.00	$18,000.00
		TOTAL COST:				**$1,658,000.00**		**$1,793,230.00**		**$2,063,625.00**

UNIT DEFINITIONS: LS=Lump Sum, LF=Linear Feet, CY=Cubic Yards, AC=Acres, SF=Square Feet, SY=Square Yards, LBS=Pounds, EA=Each

Exhibit "A"

RESOLUTION NO. 15-45

RESOLUTION AUTHORIZING THE MAYOR AND CITY STAFF TO PERFORM FEDERAL TRANSIT ADMINISTRATION ADMINISTRATIVE TASKS TO ACCESS TRANSPORTATION FUNDING.

WHEREAS, the Federal Transit Administration has been delegated authority to award federal financial assistance for transportation projects; and

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligations upon the City of Asheville; therefore requiring specific personnel to be responsible for the administrative tasks; and

WHEREAS, the applicant has or will provide all annual certifications and assurances to the Federal Transit Administration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Transportation Planning Manager or his/her designee is authorized to execute and file applications for federal assistance on behalf of the City of Asheville, a Designated Recipient as defined by 49 U.S.C Section 5307 (A)(2) with the Federal Transit Administration for federal assistance authorized by 49 U.S.C chapter 53, Title 23, United States Code, or other federal statutes authorizing a project administered by the Federal Transit Administration.
2. The Mayor and City Attorney and Deputy City Attorney are authorized to execute and file the annual certification and assurances and any other documents the Federal Transit Administration requires before awarding a federal assistance grant or cooperative agreement.
3. The Mayor is authorized to execute grants and cooperative agreements with the Federal Transit Administration on behalf of the City of Asheville, North Carolina.

Read, approved and adopted this the 10th day of March, 2015.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-46

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONVEYANCE OF REAL PROPERTY LOCATED AT 880 NEW HAW CREEK ROAD FROM HAW CREEK FIRE AND RESCUE, INC.

WHEREAS, the City of Asheville is authorized pursuant to N.C. Gen. Stat. §160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, Haw Creek Fire and Rescue, Inc. has offered to convey a property located at 880 New Haw Creek Road for fire station purposes at no cost to the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be and is hereby authorized to execute documents and accept the conveyance from Haw Creek Fire and Rescue, Inc. of real property located at 880 New Haw Creek Road (PINs # 9659953741 and 9659953914), upon the approval of the City Attorney. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give full effect to this resolution subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15-47

RESOLUTION AMENDING THE 2015 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council community meetings scheduled for the 5th Tuesdays of any month are hereby cancelled. Instead, City Council will be holding community engagement events on specific topics throughout the year.

2. A community engagement event regarding short term rentals will be held on Wednesday, March 25, 2015, at 5:00 p.m. in the U.S. Cellular Center Banquet Hall.

3. Budget worksessions will be held on April 28, 2015, and May 12, 2015, at 3:00 p.m. in the First Floor North Conference Room of City Hall.

4. A public hearing to consider the Fiscal Year 2015-16 Annual Operating Budget, will be held on June 9, 2015, at 5:00 p.m. in the Council Chamber, located on the 2nd Floor of City Hall.

5. The City Council formal meeting on Tuesday, December 22, 2015, is hereby cancelled.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-48

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER FOR THE FAIRVIEW SERVICE AREA WATER SYSTEM IMPROVEMENTS PHASE II PART 1 PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Water Resources Department has the need for a professional services contract for the Fairview Service Area Water System Improvements Phase II Part 1 Project; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for the professional services project and awarded the project to the best qualified firm; and

WHEREAS, Hazen and Sawyer was selected by City Staff via a Request for Qualifications process to perform professional engineering services for the Fairview Service Area Water System Improvements Phase II in the amount of $967,500; and

WHEREAS, the project will be funded from the Water Resources Capital Improvement Projects Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a professional services agreement with Hazen and Sawyer for the proposed amount of $967,500. City Council also grants approval of a contingency amount of $48,375.00 for a total project budget in the amount of $1,015,875 for the Fairview Service Area Water System Improvements Phase II Part 1. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 15-49

RESOLUTION AUTHORIZING THE STANDARDIZATION PURCHASE OF MUELLER SYSTEMS, LLC, 5/8" RESIDENTIAL WATER METER FOR CONSISTENCY IN OPERATION AND FUNCTIONALITY

WHEREAS, N.C.G.S. § 143-129 details the procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. § 143-129 (e) identifies exceptions to those procedures as they relate to procurement contracts; and

WHEREAS, item (6) of N.C.G.S. § 143-129 (e) states that the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bidding when "(vi) performance or price competition for a product or not available or (iii) standardization or compatibility is the overriding consideration"; and

WHEREAS, standardization of the Mueller Systems, LLC, 5/8" residential water meter will aid in consistency of the Water Resources Department's operations and functionality;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City of Asheville to purchase Mueller Systems, LLC, 5/8" residential water meter as permitted under N.C.G.S. § 143-129(e)(6) for equipment standardization.

Read, approved, and adopted this 10th day of March, 2015.

Magdalen Bullman
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullman
City Clerk

RESOLUTION NO. 15-50

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DONATION OF SERVICES AGREEMENT WITH THE 26TH NORTH CAROLINA FOR THE RESTORATION OF THE VANCE MONUMENT LOCATED IN PACK SQUARE PARK, AND TO ACCEPT THE PROJECT UPON SATISFACTORY COMPLETION OF THE RESTORATION

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real or personal property by gift, grant, bequest or any other lawful method, and is authorized pursuant to G.S. 160A-353 to accept any gift, grant or bequest of real or personal property for parks and recreation programs, and to hold such property subject to such terms and conditions as may be imposed by the grantor; and

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-20.1 to contract with an appropriate money to any person, association, or corporation, in order to carry out a public purpose; and

WHEREAS, the City of Asheville is interested in enhancing its public art collection throughout the corporate limits of the City of Asheville; and

WHEREAS, the City of Asheville conducted a public art collection condition report finding the Vance Monument to be in fair to poor condition and in need of restoration; and

WHEREAS, the 26th North Carolina entered into an agreement with the City of Asheville to adopt the Vance Monument as a preservation project, and authorized the 26th North Carolina to raise funds to support the project. The 26th North Carolina accomplished its fundraising goal of $115,000 to support the project; and

WHEREAS, the City of Asheville and the 26th North Carolina will enter into a donation agreement for the restoration of the Vance Monument. The 26th North Carolina will donate the restoration project to the City of Asheville upon completion of the project valued at $115,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a donation of services agreement with the 26th North Carolina for the restoration of the Vance Monument, and to accept the project upon satisfactory completion of the restoration valued at $115,000.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-51

RESOLUTION SUPPORTING THE NORTH CAROLINA HISTORIC PERSERVATION TAX CREDIT PROGRAM'S REINSTATEMENT IN THE NORTH CAROLINA TAX CODE

WHEREAS, the Historic tax credits are of paramount importance to cities of all sizes across North Carolina; and

WHEREAS, according to the N.C. League of Municipalities, the North Carolina State Historic Preservation Office estimated that since the 1998 expansion of the historic rehab credits, over 2,400 Historic Tax Credit projects have been completed statewide, bringing nearly $1.5 billion of private investment into North Carolina communities; and

WHEREAS, the historic rehab credit encouraged private investments in local communities and encouraged the reuse of existing buildings, which saved taxpayer money through reducing the need to expand public services and infrastructure; and

WHEREAS, from 1979-2014, more than 173 income-producing buildings and more than a hundred homes have been rehabilitated and qualified for historic tax credits in Asheville and Buncombe County, representing an investment of more than $146 million;

WHEREAS, the City of Asheville believes that more reinvestment can occur with the availability of the Historic Preservation Tax Credit program and believes the Historic Preservation Tax Credit programs are an important leveraging too to stimulate growth and development in our community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville supports the reinstatement of the Historic Preservation Tax Credit programs back into the North Carolina Tax Code as a tool to spur economic recovery in our community.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Bourneson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

56

RESOLUTION NO. 15-52

RESOLUTION APPOINTING MEMBERS TO THE AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, Jan Goffney has resigned as a member of the African American Heritage Commission, thus leaving a vacancy until July 1, 2017; and

WHEREAS, Alfred Whitesides has resigned as a member of the African American Heritage Commission, thus leaving a vacancy until July 1, 2016; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. DeWayne Barton, 31 Mardell Circle, Asheville, N.C., be and he is hereby appointed as a member to the African American Heritage Commission, to serve the unexpired term of Ms. Goffney, term to expire July 1, 2017, or until his successor has been appointed.

Ms. Viola Spells, 305 Piney Mountain Drive. Asheville, N.C., be and she is hereby appointed as a member to the African American Heritage Commission, to serve the unexpired term of Mr. Whitesides, term to expire July 1, 2016, or until her successor has been appointed.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 15-53

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, Mr. Victor Palomino has resigned as a member of the Public Art & Cultural Commission, thus leaving an unexpired term until June 30, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Dr. Jay Miller, 84 Forsythe Street, Asheville, N.C., be and he is hereby appointed, as a member of the Public Art & Cultural Commission, to serve the unexpired term of Mr. Palomino, term to begin immediately, and expire on June 30, 2017, or until his successor has been appointed.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

58

RESOLUTION NO. 15 - 54

RESOLUTION ACCEPTING AYR COURT AND AN EXTENSION OF QUAIL HOLLOW DRIVE AS CITY-MAINTAINED STREETS

WHEREAS, pursuant to GS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, Ayr Court and Quail Hollow Drive are located in the corporate limits of the City of Asheville; and

WHEREAS, Ayr Court and Quail Hollow Drive were constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to Ayr Court and Quail Hollow Drive including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the 45-foot right-of-way for Ayr Court and Quail Hollow Drive has been recorded in Plat Book 144 Page 21;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ayr Court and an extension of Quail Hollow Drive are accepted by the City of Asheville for maintenance as indicated on the attached map section.

Read, approved and adopted this 24th day of March, 2015.

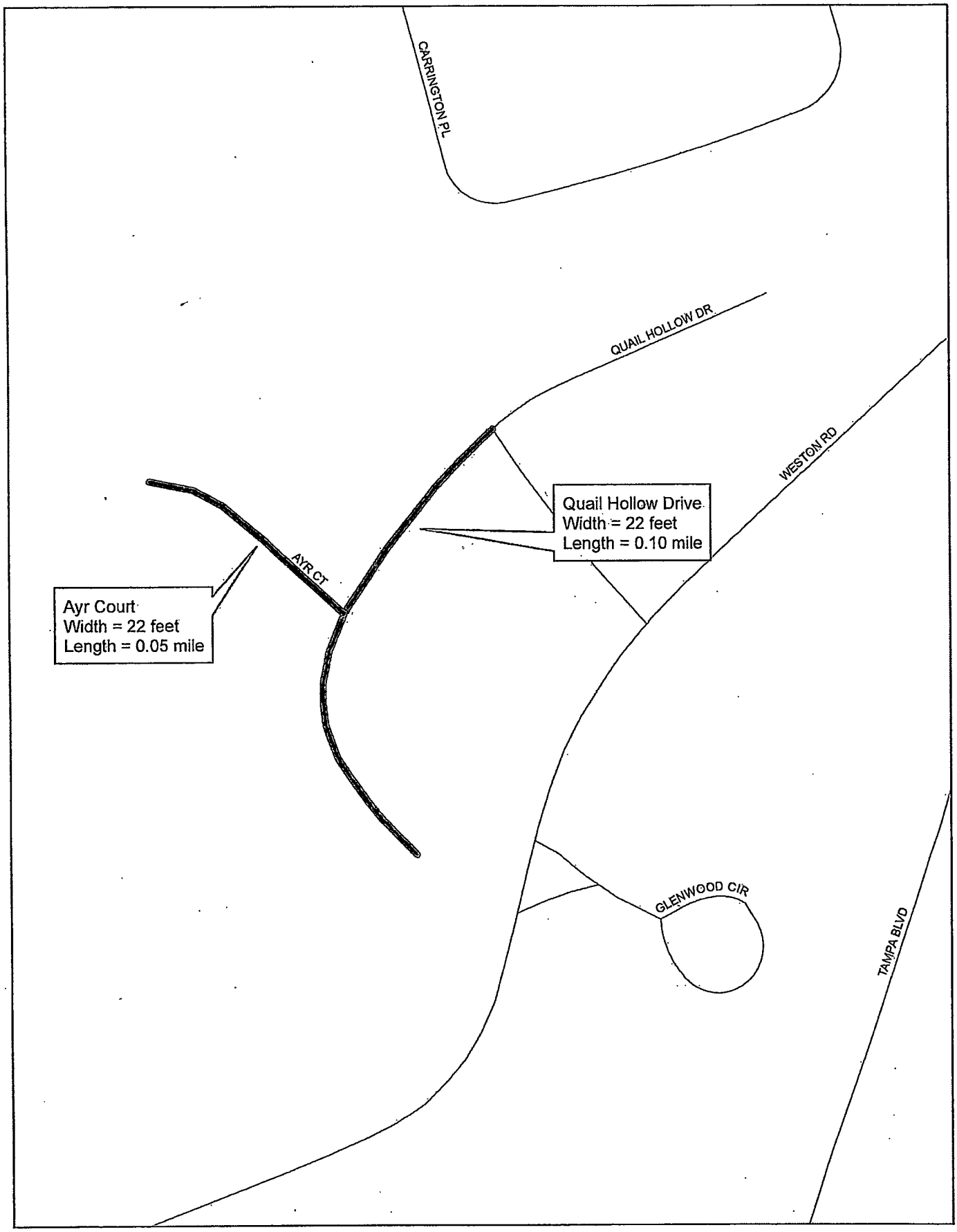
Magdalen Bandeson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bandeson
City Clerk


CARRINGTON PL
QUAIL HOLLOW DR
WESTON RD
Quail Hollow Drive
Width = 22 feet
Length = 0.10 mile
AYR CT
Ayr Court
Width = 22 feet
Length = 0.05 mile
GLENWOOD CIR
TAMPA BLVD

RESOLUTION NO. 15-55

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO PROVIDE A SECTION 5307 CAPITAL GRANT TO BE USED FOR THE STATE MATCH TO PURCHASE ONE CNG BUS FOR HENDERSON COUNTY'S TRANSIT SYSTEM

WHEREAS, Henderson County is a sub-recipient of Federal funds through the City of Asheville; and

WHEREAS, as part of the sub-recipient agreement, the City of Asheville is required to execute agreements and purchase and own all of Henderson County's capital assets that are purchased with Federal funding; and

WHEREAS, Henderson County has identified the need to replace one bus in its transit fleet as one of the priorities in their capital program; and

WHEREAS, the new bus will be an essential part of daily operations by increasing reliability, fuel efficiency, and reducing maintenance costs; and

WHEREAS, Henderson County has identified all of the funding sources needed to fund the project; and

WHEREAS, the City of Asheville has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to provide a Section 5307 Capital Grant in the amount of $14,103 to be used for the State match to purchase a Compressed Natural Gas (CNG) replacement bus for Henderson County's transit system.

Read, approved and adopted this the 24th day of March, 2015.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 15 - 56

RESOLUTION TO ADOPT CITY COUNCIL'S 2015-2016 STRATEGIC PLAN

WHEREAS, the Asheville City Council recognizes the importance of strategic leadership in achieving the mission of the City of Asheville; and

WHEREAS, achieving our mission of creating a sustainable, quality of life community requires vision, goal setting, and strategic priorities; and

WHEREAS, the City Council met on January 30, 2015, in a strategic planning retreat; and

WHEREAS, the City Manager will produce a comprehensive quarterly report and Committee Chairs will produce updates on policy initiatives designed to further achievement of strategic goals for Economic Growth and Sustainability, Affordability and Economic Mobility, and High Quality of Life;

WHEREAS, the City Council received input from each member, discussed the alternatives and established strategic priorities;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Affirms its strategic priorities to ensure that Asheville is a City that is:

- Economic Growth and Sustainability – Seek to ensure a sustainable financial future for Asheville by promoting an environment where citizens and businesses want to live, work and invest.
- Affordability and Economic Mobility – Seek to ensure a sustainable future for Asheville through a standard of living that is affordable and attainable for people of all incomes, life stages and abilities.
- High Quality of Life – Seek to ensure a sustainable future for Asheville by promoting a safe environment where basic needs are met and all people can enjoy a high quality of life.

BE IT FURTHER RESOLVED THAT:

The City Council adopts the goals and objectives as described in Exhibit "A" for 2015-2016

Read, approved and adopted this 24th day of March 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

62

Focus Area 1: Economic Growth and Sustainability

Goal 1: Implement the Economic Development Capital Improvement Plan

Action Item: Add Special Obligation Bonds to the menu of available permanent financing options.

Action Item: Elevate efforts to use additional funding to leverage money from other partners including NCDOT, Buncombe County, the TDA, as well as other public and private partners.

Action Item: Extend the Capital Improvement Plan to 10 years.

Goal 2: Invest and leverage investment in community infrastructure.

Action Item: Research, develop and propose incentives for in-fill and redevelopment. Evaluate City owned property to determine best use.

Action Item: Evaluate the opportunities to improve ART services.

Action Item: Respond to results of Asheville In Motion Plan incorporating Complete Streets and Multi modal transportation policies.

Action Item: Prioritize transportation system that supports walking, biking, greenways and transit.

Action Item: Support I-26 Connector improvements.

Action Item: Promote innovative forms of development including Form Based Code, mixed use development, and strategies for sustainable infill development in coordination with the comprehensive plan.

Action Item: Research access to better broad-band internet connectivity throughout the city and for underserved populations.

Goal 3: Create economic development and community investment opportunities through partnerships, planning and incentives.

Action Item: Update the Comprehensive Plan 2025.

Action Item: Leverage regional service provider partnerships to assist small businesses and minority businesses in gaining access to effective business plan development.

Action Item: Support the Economic Development Coalition in update to the 5 X 5 Plan

Action Item: Review the City's current economic incentives policies to potentially include a minimum wage for created jobs and incentives for small businesses.

Goal 4: Support staff's continued implementation of operational efficiencies and practices of sustainability

Action Item: Evaluate the recommendations from the Mayor's Development Task Force

Action Item: Continue sustainability efforts to reduce the city's carbon footprint, including options to further solid waste reduction goals.

Actions Items: Continue strategic review of management models for key city parks and recreation facilities including the Nature Center and Aston Park Tennis Center.

Action Item: Implement environmentally sustainable storm water planning policies.

Action Item: Research possible loose leaf collections models.

Focus Area 2: Affordability and Economic Mobility

Goal 1: Expand Asheville's supply of quality, affordable homes for current and future residents.

Action Item: Develop an action plan with the Housing Authority for the redevelopment of a public housing community to include affordable, mixed income housing.

Action Item: Promote affordable housing located close to the CBD, jobs and transportation.

Action Item: Identify and initiate use of city owned land for development of affordable housing projects.

Action Item: Develop and implement a Comprehensive Affordable Housing Strategy which includes review of land use and zoning regulations, recommendations from the Affordable Housing Advisory Committee and development incentives to increase the production of affordable housing units.

Goal 2: Improve citizen equity by reducing disparity gaps with an emphasis on education and socio-economic mobility.

Action Item: Partner with Asheville City Schools to track progress toward the City School Strategic Plan; receive regular updates from the school system through City Council appointed liaison.

Action Item: Continue and consider elevating support for the City of Asheville Youth Leadership Academy.

Action Item: Identify appropriate partnership opportunities to improve access to affordable housing, transportation, and living wage jobs.

Focus Area 3: High Quality of Life

Goal 1: Make Asheville one of the safest cities in America based on approved metrics for similarly sized cities

Action Item: Develop strategies to address nuisance behaviors.

Action Item: Address traffic and pedestrian safety throughout Asheville in partnership with the North Carolina Department of Transportation.

Action Item: Implement the Asheville Police Department Strategic Plan including an open and transparent process for the selection of the police chief.

Action Item: Support and expand community based policing efforts to improve relationships between the police and the community.

Goal 2: Encourage policies that improve public health and safety for City of Asheville employees and citizens.

Action Item: Continue implementation of the Food Action Plan, including public/private partnerships to create community gardens and farmers markets on publically owned land, to ensure all citizens have access to affordable healthy food options.

Action Item: Continue emphasis on disease management and wellness for City of Asheville employees.

Goal 3: Continue to support Asheville as a culturally diverse city.

Action Item: Create strong public/private partnerships to bring festivals and public art to Asheville that will promote a sense of community.

Action Item: Continues support of entertainment, art, and cultural centers.

Goal 4: Continue to develop City Council communications and partnerships with citizens, community leaders, the media and elected officials.

Action Item: Evaluate and implement best practices to improve effective community engagement.

Action Item: Improve diversity and engagement of City Council's Boards and Commissions.

Action Item: Engage and develop working relationships with state and local legislators on issues regarding the City's legislative priorities.

Action Item: Create opportunities to communicate City efforts and achievements through traditional media, social media and community meetings.

Actions Item: Explore opportunities to implement open data policies.

RESOLUTION NO. 15- 57

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF BRADLEY STREET

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of Bradley Street; and

WHEREAS, said rights-of-way are not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close a portion of Bradley Street; described as follows:

Beginning at a 5/8" existing iron rebar with ID cap "WCLS" in the westerly right of way of the unopened portion of Bradley Street per Plat Book 16 Page 10, said rebar also being the southerly most corner of Plat Book 136 Page 167, Lot 13-R and being located N 38°04'16" W, 43.59 from a 5/8" existing iron rebar with ID cap "WCLS" at the southwesterly most corner of Plat Book 142 Page 176, Lot 1-R having NC Grid Coordinates: Northing: 681,047.90', E: 937,397.01'; thence from the Point of Beginning and with the westerly right of way of Bradley Street per Plat Book 16 Page 10, N 05°50'33" E, 244.15' to a 5/8" existing iron rebar with ID cap "WCLS" at the southeasterly most corner of Plat Book 136 Page 167, Lot 20-R; thence leaving the westerly right of way of Bradley Street and with westerly right of way of the re-aligned portion of Bradley Street per Plat Book 142 Page 176 the following three calls:

1. S 05°06'13" W, 18.22' to a calculated point;
2. thence with a curve turning to the left with an arc length of 58.06', with a radius of 85.00', with a chord bearing of S 13°43'35" E, with a chord length of 56.94' to a calculated point;
3. thence with a reverse curve turning to the right with an arc length of 22.50', with a radius of 65.00', with a chord bearing of S 23°22'46" E, with a chord length of 22.39' to a calculated point at the intersection point of the westerly right of way of Bradley Street per Plat Book 16 Page 10 and the westerly right of way of the re-aligned portion of Bradley Street per Plat Book 142 Page 176;

thence with the right of way line of Bradley Street per Plat Book 16 Page 10, S 05°50'33" W, 58.09' to a calculated point at the intersection point of the westerly right of way of Bradley Street per Plat Book 16 Page 10 and the westerly right of way of the re-aligned portion of Bradley Street per Plat Book 142 Page 176; thence with the westerly right of way of the re-aligned portion of Bradley Street per Plat Book 142 Page 176 the following three calls:

1. thence S 12°09'39" W, 33.78' to a calculated point;
2. thence S 25°22'48" W, 64.81' to a 5/8" new iron rebar with ID cap "WCLS";
3. thence N 84°09'27" W, 4.84' which is the point of beginning,

having an area of 0.103 acres (4,504.09 square feet).
The described area is subject to a 20' City of Asheville waterline easement as recorded in Deed Book 5143 Page's 1019, 1022, 1025, 1028, 1031, & 1034 and Plat Book 138 Page 23.

All bearings are based on NC Grid North NAD 83 (NSRS 2007) and all distances are horizontal ground distances unless otherwise noted.

The foregoing description is based on an unrecorded plat by John Wesley Cole, PLS of Wes Cole Land Surveying, PA, dated July 31, 2014, and revised on September 10, 2014, October 1, 2014, and January 12, 2015 entitled "A Plat Showing Proposed Partial Closure of: Bradley Street for Fiano Properties, Inc.", Project Number: 11-007.

2. A public hearing on the question of permanently closing a portion of Bradley Street is hereby called for on April 28, 2015, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chamber, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on April 28, 2015.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned portion of Bradley Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 24th day of March, 2015.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 15-58

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE CITY BOARD OF EDUCATION

WHEREAS, the terms of Jacquelyn Hallum and Precious Folston, as members on the Asheville School Board, expire April 1, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Martha Geitner, 5 Chantilly Drive, Asheville, N.C., be and she is hereby appointed as a member of the Asheville City Board of Education to serve a four-year term, term to begin April 1, 2015, and expire April 1, 2019, or until her successor has been appointed.

Ms. Shaunda Sandford, 139 S. Grove Street, Asheville, N.C., be and she is hereby appointed as a member of the Asheville City Board of Education to serve a four-year term, term to begin April 1, 2015, and expire April 1, 2019, or until her successor has been appointed.

Read, approved and adopted this 24th day of March, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION 15-59

RESOLUTION ADOPTING THE BOND ORDER AUTHORIZING THE ISSUANCE OF WATER SYSTEM REVENUE REFUNDING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (the *"Act"*) to issue, subject to the approval of the Local Government Commission of North Carolina (the *"LGC"*), at one time or from time to time, revenue bonds and revenue refunding bonds of the City for the purposes as specified in the Act;

WHEREAS, the City has determined to issue its Water System Revenue Refunding Bonds, Series 2015 (the *"2015 Bonds"*) to provide funds to (1) refund all or a portion of the City's Water System Refunding Revenue Bonds, Series 2005 maturing on and after August 1, 2016 (the "*Refunded 2005 Bonds*") and Water System Revenue Bonds, Series 2007 maturing on and after August 1, 2018 (the "*Refunded 2007 Bonds*" and together with the Refunded 2005 Bonds, the *"Refunded Bonds"*) and (2) pay the costs of issuing the 2015 Bonds;

WHEREAS, the City will issue the 2015 Bonds under the General Trust Indenture dated as of December 1, 2005 (the "*General Indenture*"), between the City and The Bank of New York Mellon Trust Company, N.A., as trustee (the "*Trustee*") and Series Indenture, Number 3, dated as of May 1, 2015 (the *"Series Indenture"*), between the City and the Trustee;

WHEREAS, the City and the LGC have arranged for the sale of the 2015 Bonds to Merrill Lynch, Pierce, Fenner & Smith Incorporated, PNC Capital Markets LLC and Wells Fargo Bank, National Association (collectively, the *"Underwriters"*), under the terms of a Bond Purchase Agreement to be dated on or about May 12, 2015 (the *"Purchase Agreement"*);

WHEREAS, an application has been filed with the LGC requesting approval of the 2015 Bonds as required by the Act, and the Secretary of the LGC has notified the City Council (the *"City Council"*) that the application has been received by the LGC.

NOW, THEREFORE BE IT ORDERED BY THE CITY COUNCIL OF THE CITY, as follows:

Section 1. In order to raise the money required to refund the Refunded Bonds and to pay the costs of issuance of the 2015 Bonds, in addition to any funds which may be made available for such purpose from any other source, the 2015 Bonds are hereby authorized and shall be issued pursuant to the Act.

Section 2. The aggregate principal amount of the 2015 Bonds authorized by this order shall not exceed $60,000,000. The 2015 Bonds hereby authorized shall be special obligations of the City, secured by and paid solely from the proceeds thereof or from revenues, income, receipts and other money received or accrued by or on behalf of the City from or in connection with the operation of the City's Water System (as defined in the General Indenture).

Section 3. The issuance of the 2015 Bonds by the City, in substantially the form to be set forth in the Series Indenture, be and the same hereby is in all respects approved and confirmed. The form and content of the 2015 Bonds and the provisions of the Series Indenture with respect to the 2015 Bonds (including without limitation the maturity dates and rates of interest) shall be approved and confirmed in a resolution of the City Council.

The principal of, premium, if any, and interest on the 2015 Bonds shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, purchase price or interest on the 2015 Bonds, and no holder of the 2015 Bonds has the right to compel the exercise of the taxing power by the

State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 4. The 2015 Bonds are to be sold to the Underwriters under the terms of the Purchase Agreement, as shall be approved in a resolution of the City Council.

Section 5. The proceeds from the sale of the 2015 Bonds are to be deposited in accordance with the Series Indenture.

Section 6. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and are to be deemed separable from the remaining agreements and provisions and in no way affect the validity of any of the other agreements and provisions hereof or of the 2015 Bonds authorized hereunder.

Section 7. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 8. This Bond Order is effective immediately on its adoption and pursuant to §159-88 of the General Statutes of North Carolina, as amended, need not be published or subjected to any procedural requirements governing the adoption of ordinances or resolutions by the City Council other than the procedures set out in the Act.

Read, approved and adopted this 14th day of April, 2015.

Magdalen Burleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION 15- 60

RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA, PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF WATER SYSTEM REVENUE REFUNDING BONDS.

WHEREAS, the City Council (the "*City Council*") of the City of Asheville, North Carolina (the *"City"*), hereby determines that it is desirable to refund all or a portion of the City's Water System Refunding Revenue Bonds, Series 2005 maturing on and after August 1, 2016 (the "*Refunded 2005 Bonds*") and Water System Revenue Bonds, Series 2007 maturing on and after August 1, 2018 (the "*Refunded 2007 Bonds*" and together with the Refunded 2005 Bonds, the *"Refunded Bonds"*) in order to achieve debt service savings;

WHEREAS, City is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 et seq. (the *"Act"*), to issue, subject to the approval of the Local Government Commission of North Carolina, at one time or from time to time revenue bonds and revenue refunding bonds of the City for the purposes as specified in the Act;

WHEREAS, the City Council is considering the issuance of the City's Water System Revenue Refunding Bonds, Series 2015 (the "*2015 Bonds*") in an aggregate principal amount not to exceed $60,000,000 to refund the Refunded Bonds;

WHEREAS, the City Council wants to (1) retain Parker Poe Adams & Bernstein LLP, as bond counsel; (2) retain Merrill Lynch, Pierce, Fenner & Smith Incorporated, PNC Capital Markets LLC and Wells Fargo Bank, National Association, as underwriters for the 2015 Bonds (collectively, the "*Underwriters*"); (3) approve the selection by the Underwriters of Womble Carlyle Sandridge & Rice, LLP, as underwriters' counsel; (4) retain DEC Associates Inc., as financial advisor; and (5) retain The Bank of New York Mellon Trust Company, N.A., as trustee for the 2015 Bonds and as escrow agent for the Refunded Bonds (collectively, the "*Financing Team*");

WHEREAS, the Finance Director of the City will file with the Local Government Commission of North Carolina (the "*Commission*") an application for its approval of the 2015 Bonds, requesting that the Commission approve (1) the negotiation of the sale of the 2015 Bonds to the Underwriters and (2) the City's use of the Financing Team in connection with the issuance of the 2015 Bonds, and in connection with such application, the Finance Director will provide the Commission with such facts and information in regard to the 2015 Bonds and to the City and its financial condition as the Commission may require and take all other action necessary for the issuance of the 2015 Bonds;

WHEREAS, the City, subject to the approval of the Commission, will issue the 2015 Bonds under the General Trust Indenture dated as of December 1, 2005 (the "*General Indenture*"), between the City and The Bank of New York Mellon Trust Company, N.A., as trustee (the "*Trustee*") and Series Indenture, Number 3, dated as of May 1, 2015 (the *"Series Indenture"*), between the City and the Trustee;

WHEREAS, the City desires to execute and deliver a Bond Purchase Agreement to be dated on or about May 12, 2015 (the *"Purchase Agreement"*), among the City, the Commission and the Underwriters pursuant to which the City and the Commission will sell the 2015 Bonds to the Underwriters in accordance with the terms and conditions set forth therein; and

WHEREAS, copies of the forms of the following documents relating to the transactions described above have been filed with the City:

1. the Series Indenture;

2. the Purchase Agreement;

3. the Escrow Agreement dated as of May 1, 2015 (the *"Escrow Agreement"*) between the City and The Bank of New York Mellon Trust Company, N.A., as escrow agent, related to the Refunded Bonds; and

4. the Preliminary Official Statement (the *"Preliminary Official Statement"*) related to the 2015 Bonds.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY, as follows:

Section 1. The 2015 Bonds are to be issued by the City for the purpose of providing funds (a) to refund the Refunded Bonds and (b) to pay the costs of issuing the 2015 Bonds. The use of the proceeds of the 2015 Bonds to refund the Refunded Bonds, as described above, is necessary in order to achieve debt service savings for the City.

Section 2. The Financing Team is hereby approved in connection with the City's issuance of the 2015 Bonds. The Finance Director is authorized to engage other professionals as she deems necessary to consummate the transactions contemplated by this resolution.

Section 3. The filing of the application with the Commission for its approval of the issuance of the 2015 Bonds is hereby ratified and approved. The Finance Director, with advice from the City Manager, the City Attorney and bond counsel, is hereby authorized, directed and designated to provide such information to the Commission as may be required for the Commission's approval of such application.

Section 4. The City Council finds and determines and asks the Commission to find and determine from the City's application and supporting documentation as follows:

(a) the issuance of the 2015 Bonds is necessary or expedient;

(b) the maximum stated principal amount of the 2015 Bonds will be sufficient but is not excessive, when added to other moneys available for such purpose, to refinance the projects financed and refinanced with the Refunded Bonds and achieve debt service savings for the benefit of the users of the City's water system;

(c) the City's water system as now constituted is feasible;

(d) the City's debt management procedures and policies are excellent; and

(e) the 2015 Bonds can be marketed at a reasonable interest cost to the City.

Section 5. The issuance of the 2015 Bonds by the City in the principal amount not to exceed $60,000,000, in substantially the form and content set forth in the Series Indenture, subject to appropriate insertions and revisions in order to comply with the provisions of the General Indenture and the Series Indenture, be and the same hereby are in all respects approved and confirmed, and the form and content of the 2015 Bonds set forth in the Series Indenture be and the same hereby are in all respects approved and confirmed, and the provisions of the General Indenture and the Series Indenture with respect to the 2015 Bonds (including without limitation the maturity dates and rates of interest to be inserted in the Series Indenture) be and the same hereby are approved and confirmed and are incorporated herein by reference.

The City Council requests that the Commission sell the 2015 Bonds through negotiation to the Underwriters on such terms as may be agreed on but at a true interest cost not exceeding 4.00%.

The 2015 Bonds shall be special obligations of the City. The principal of, premium, if any, and interest on the 2015 Bonds shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture and the Series Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for

the payment of the principal of, premium, if any, or interest on the 2015 Bonds, and no holder of 2015 Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 6. That the form and content of the Series Indenture and the Escrow Agreement and the exhibits thereto be and the same hereby are in all respects approved and confirmed, and the Mayor, the City Manager, the Finance Director and City Clerk of the City, or their respective designees, individually or collectively (the *"Authorized Officers"*), be and they hereby are authorized, empowered and directed to execute and deliver the Series Indenture for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Series Indenture and the Escrow Agreement, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the General Indenture and the Series Indenture as executed. The Trustee is hereby appointed as Registrar and Paying Agent thereunder.

Section 7. That the 2015 Bonds shall be sold to the Underwriters pursuant to the terms of the Purchase Agreement. The form and content of the Purchase Agreement is in all respect approved and confirmed, and the Authorized Officers are hereby authorized, empowered and directed to execute and deliver the Purchase Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as shall to him or her seem necessary, desirable or appropriate, his or her execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Purchase Agreement, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Agreement as executed.

Section 8. The form, terms and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of it by the Underwriters, in connection with the sale of the 2015 Bonds is hereby in all respects authorized, approved and confirmed. The use of the final Official Statement to be dated on or about May 12, 2015 (the *"Official Statement"*), in substantially the form of the Preliminary Official Statement, by the Underwriters in connection with the sale of the 2015 Bonds is hereby in all respects authorized, approved and confirmed. The Mayor, the City Manager or Finance Director of the City is authorized to execute the Official Statement, if necessary, on behalf of the City.

Section 9. The City Manager or the Finance Director of the City is hereby authorized to execute a no-arbitrage certificate in order to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder.

Section 10. No stipulation, obligation or agreement herein contained or contained in the 2015 Bonds, the General Indenture, the Series Indenture, the Purchase Agreement, the Escrow Agreement or any other instrument related to the issuance of the 2015 Bonds shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee shall be personally liable on the 2015 Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 11. The Authorized Officers are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Resolution, the General Indenture, the Series Indenture, the Escrow Agreement and the Purchase Agreement (collectively, the *"Instruments"*), except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of the specific provisions of the Instruments, any agreement to which the City is bound, any rule or regulation of the City or any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

Section 12. All acts and doings of the Authorized Officers that are in conformity with the purposes and intent of this Resolution and in the furtherance of the issuance of the 2015 Bonds and the execution, delivery and performance of the Instruments shall be, and the same hereby are, in all respects authorized, approved and confirmed.

Section 13. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the 2015 Bonds authorized hereunder.

Section 14. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 15. This Resolution shall take effect upon its adoption.

Read, approved and adopted this 14th day of April, 2015.

Magdalen Bouleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 15-61

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CODE STUDIO TO DEVELOP A FORM BASED CODE FOR THE GREATER RIVER ARTS DISTRICT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, The City of Asheville desires to improve development regulation and review processes to better reflect the community's vision for the greater River Arts District; and

WHEREAS, the amount of the contract is $ 100,000 and the monies have been budgeted in the Planning Department's FY 2015 Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Code Studio for $100,000 to develop a form based code for the greater River Arts District and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 14th day of April, 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-62

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THRESHOLD ACOUSTICS LLC TO PROVIDE PROFESSIONAL SERVICES AT THE US CELLULAR CENTER

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the US Cellular Center is pursuing alternatives to improvements to acoustics in the Thomas Wolfe Auditorium; and

WHEREAS, the US Cellular Center issued a request for qualifications for acoustical and structural analysis of the Auditorium in December of 2014; and

WHEREAS, the contract with Threshold Acoustics. will have a not to exceed cost of $60,000, and the monies have been transferred into the Civic Center's Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Threshold Acoustics LLC., for Professional Services at a cost not to exceed $60,000. The City Manager is further authorized to approve and execute any change orders to said contract or documents which may arise during the term of said contract up to the budgeted amount.

Read, approved and adopted this the 14th day of April, 2014.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

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RESOLUTION NO. 15-63

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO AMEND THE INTERLOCAL AGREEMENT WITH HENDERSON COUNTY AND EFFECTUATE THE SALE OF THE FERRY ROAD PROPERTY TO BUNCOMBE COUNTY

WHEREAS, the parties have the authority pursuant to Article 20 of NCGS Chapter 160A to enter into Interlocal Agreements; and

WHEREAS, the City of Asheville has authority pursuant to NCGS 160A-274 to convey interests in real property to other governments upon such terms and conditions as it deems wise; and

WHEREAS, the City of Asheville and Henderson County are parties to several agreements regarding regional water issues, including the "First Amended and Restated Water Supply and Water Service Agreement" (the "1995 Agreement"), an "Extension of Condition" recorded June 14, 2012 in Buncombe County deed book 4990 at Page 1259, a "Second Extension of Condition" recorded June 25, 2014 in Buncombe County deed book 5219 at Page 1089, and an "Interlocal Agreement" dated April 16, 2014; and

WHEREAS, among the terms of the aforementioned Interlocal Agreement are provisions regarding the sale of approximately 137.21 acres of real property located on Ferry Road in Buncombe County previously owned by the City and currently owned by Henderson County as more particularly described in Deed Book 2852, Page 775 in Buncombe County; and

WHEREAS, Buncombe County has offered to purchase the Ferry Road Property from Henderson County for an economic development project at the fair market value of $6.8 Million, consistent with the provisions of the Interlocal Agreement; and

WHEREAS, the City wishes to acknowledge that the proposed purchase meets the terms of the Interlocal Agreement and to approve the sale of the Property to Buncombe County; and

WHEREAS, Henderson County has requested a minor amendment to the provisions of the Interlocal Agreement which would allow the County to use its share of the proceeds of the sale of the Property for any lawful purpose, including but not limited to the purchase and construction of a local law enforcement training center, rather than only be allowed to use the proceeds for a training center as was required by the original Interlocal Agreement; and

WHEREAS, the City is in agreement with allowing the Interlocal Agreement to be amended as requested;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 14th day of April 2015.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-64

RESOLUTION AUTHORIZING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF POLYLINKS INC. IN THE CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and

WHEREAS, PolyLINKS Inc. is proposing to expand its existing manufacturing facility within the City limits adding $2,300,000 in building upgrades and machinery and equipment and the creation of 12 new manufacturing jobs; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Clerk to advertise for a Public Hearing to be held on May 12, 2015, to consider an Economic Development Incentive Grant for up to $31,000 for PolyLINKS Inc. subject to terms of the performance contract.

Read and approved and adopted this 28th day of April, 2015.

Magdalen Bruleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bruleson
City Clerk

RESOLUTION NO. 15-65

RESOLUTION AUTHORIZING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF HI-WIRE BREWING IN THE CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and

WHEREAS, Hi-Wire Brewing is proposing a new manufacturing facility within the City limits adding $1,620,000 in new capital investment in new building and machinery and equipment; and

WHEREAS, the company will create 15 new jobs within three years, with an average wage of $37,400 and provides 50% of coverage for health insurance and other benefits to employees; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Clerk to advertise for a Public Hearing to be held on May 12, 2015 to consider an Economic Development Incentive Grant for up to $25,000 payable over a five year period to Hi-Wire Brewing upon completion of the said project and successful completion of the terms of the performance contract.

Read and approved and adopted this 28th day of April, 2015.

Magdalen Bullson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullson
City Clerk

RESOLUTION NO. 15 - 66

RESOLUTION ACCEPTING WEST SUMMIT AVENUE AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to GS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, West Summit Avenue is located in the corporate limits of the City of Asheville; and

WHEREAS, West Summit Avenue was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to West Summit Avenue including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the variable 50 to 100-foot right-of-way for West Summit Avenue has been recorded in Plat Book 140 Page 24;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

West Summit Avenue is accepted by the City of Asheville for maintenance as indicated on the attached map section.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Burleson
City Clerk

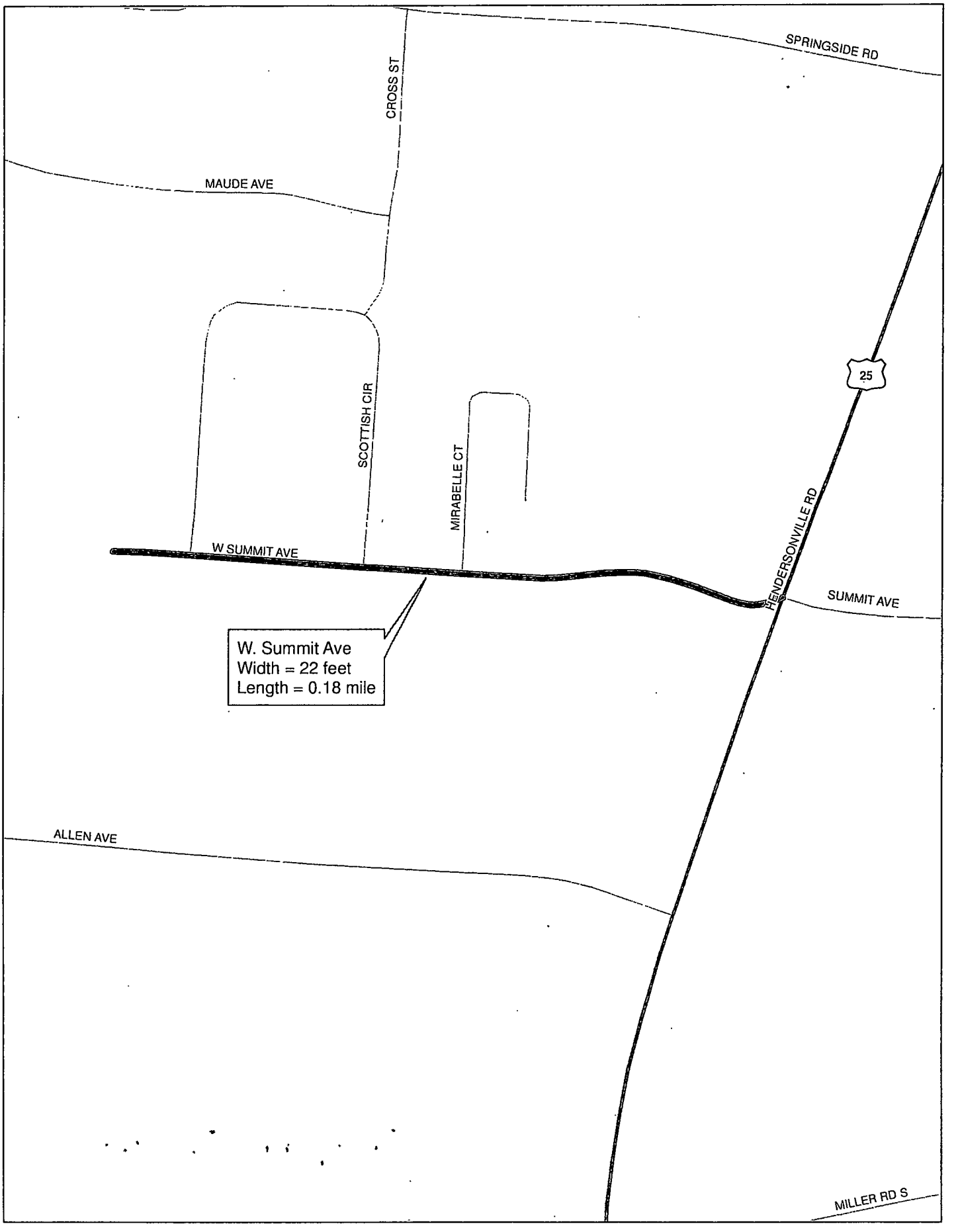
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ATTACHMENT 2



RESOLUTION NO. 15- 67

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT EARTH FARE 5K ON THE DATE OF SATURDAY, MAY 9, 2015, FROM 7:00 AM – 11:30 AM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Earth Fare 5K.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Earth Fare 5K event area, as set forth on Exhibit A, attached.

   The Earth Fare 5K event area is within the boundaries of the velodrome at Carrier Park located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Earth Fare 5K on Saturday, May 9, 2015, from 7:00 a.m. – 11:30 a.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable

plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Earth Fare 5K event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Earth Fare 5K event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Earth Fare 5K, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Burleson
City Clerk

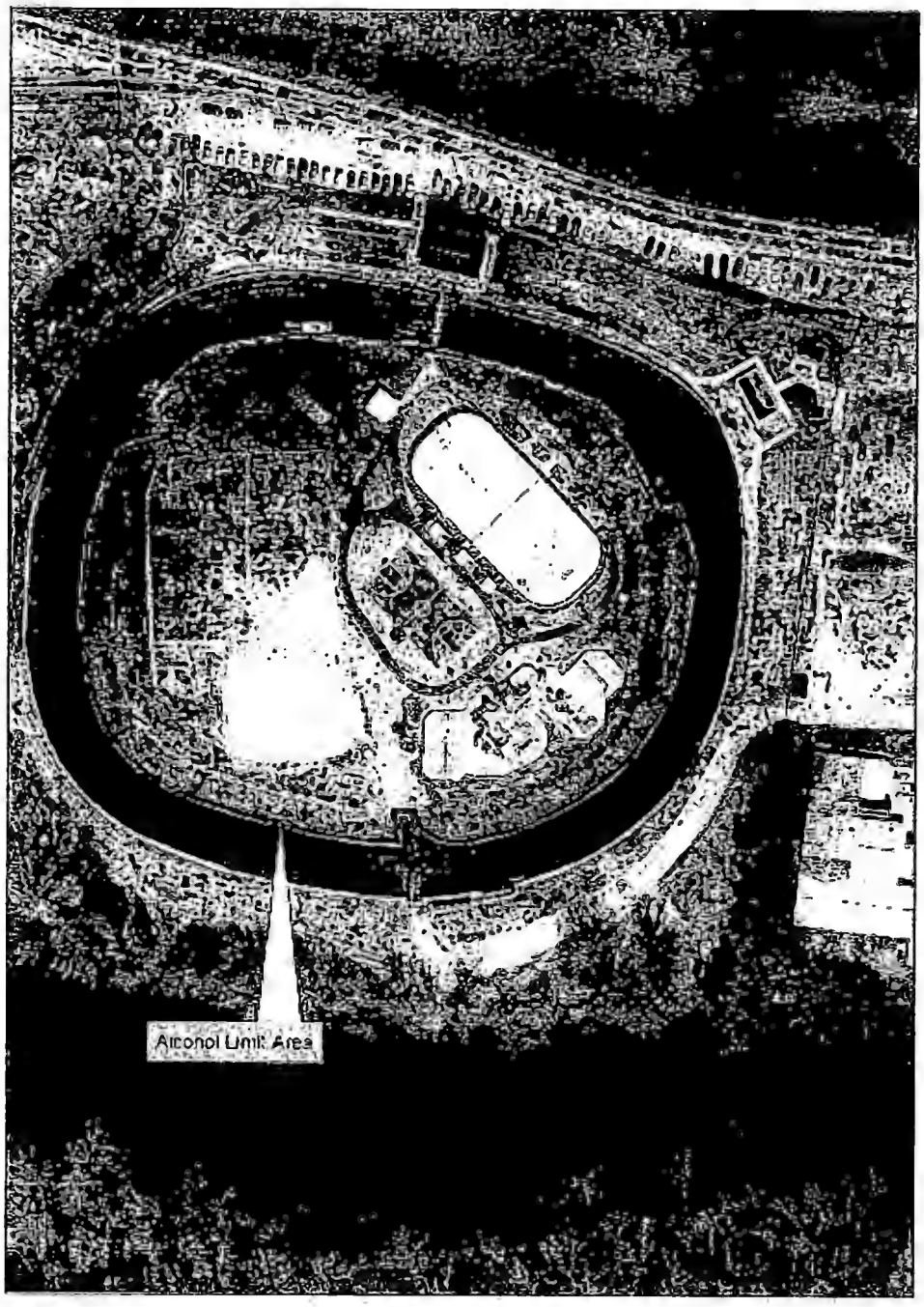
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



Carrier Park

84

RESOLUTION NO. 15- 68

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER 5 ON THE DATES OF FRIDAY, MAY 15, JUNE 19, JULY 17, AUGUST 21 & SEPTEMBER 18, 2015, FROM 5:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Downtown After 5.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Downtown After 5 event area, as set forth in Exhibit A, attached.

   The Downtown After 5 event area is within the boundaries of the 100 block of Lexington Avenue extending within the metered parking lot located at the I-240 underpass.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Downtown After 5 on Friday, May 15, June 19, July 17, August 21 & September 18, 2015, from 5:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Downtown After 5 event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Downtown After 5 event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Downtown After 5, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Bullock
City Clerk

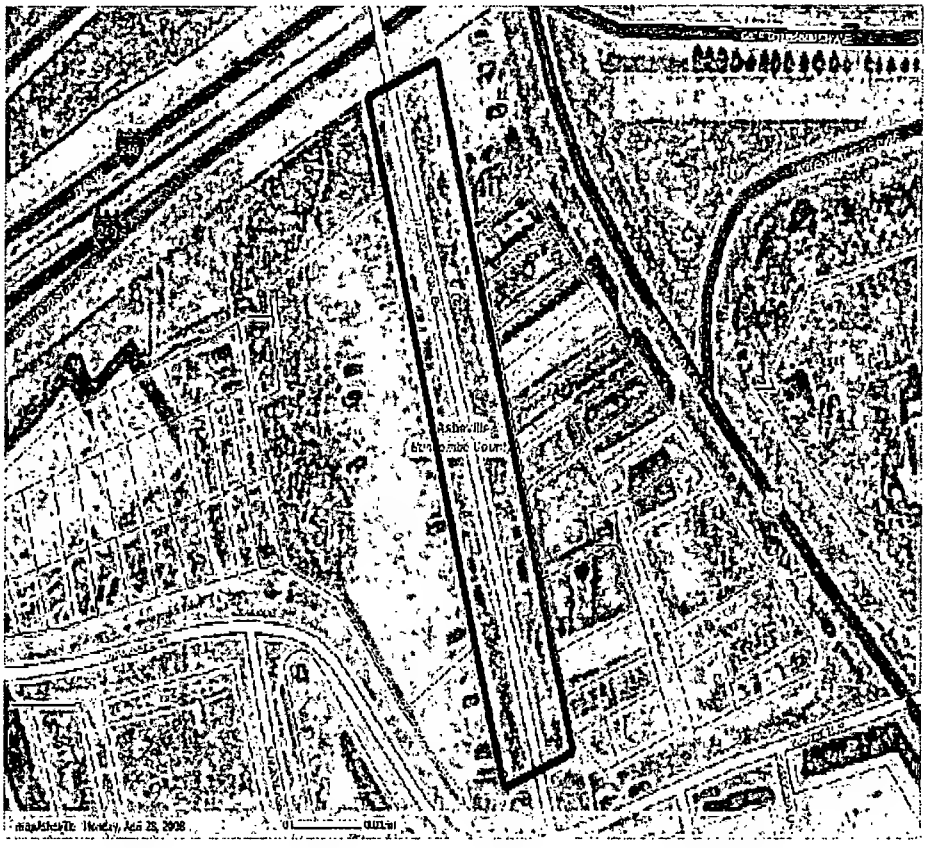
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

EXHIBIT A



Lexington Avenue (100 Block)

RESOLUTION NO. 15- 69

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT SUNDAY MUSIC IN THE PARK ON THE DATES OF SUNDAY, MAY 17, MAY 31, JUNE 14, JUNE 28, & JULY 12, 2015, FROM 4:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Sunday Music in the Park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Sunday Music in the Park event area, as set forth in Exhibit A, attached.

   Sunday Music in the Park event area is within the boundaries of Pack Square Park's Roger McGuire Green and the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Sunday Music in the Park on Sunday, May 17, May 31, June 14, June 28 & July 12, 2015, from 4:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to

malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Sunday Music in the Park event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Sunday Music in the Park event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Sunday Music in the Park, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Burleson
City Clerk

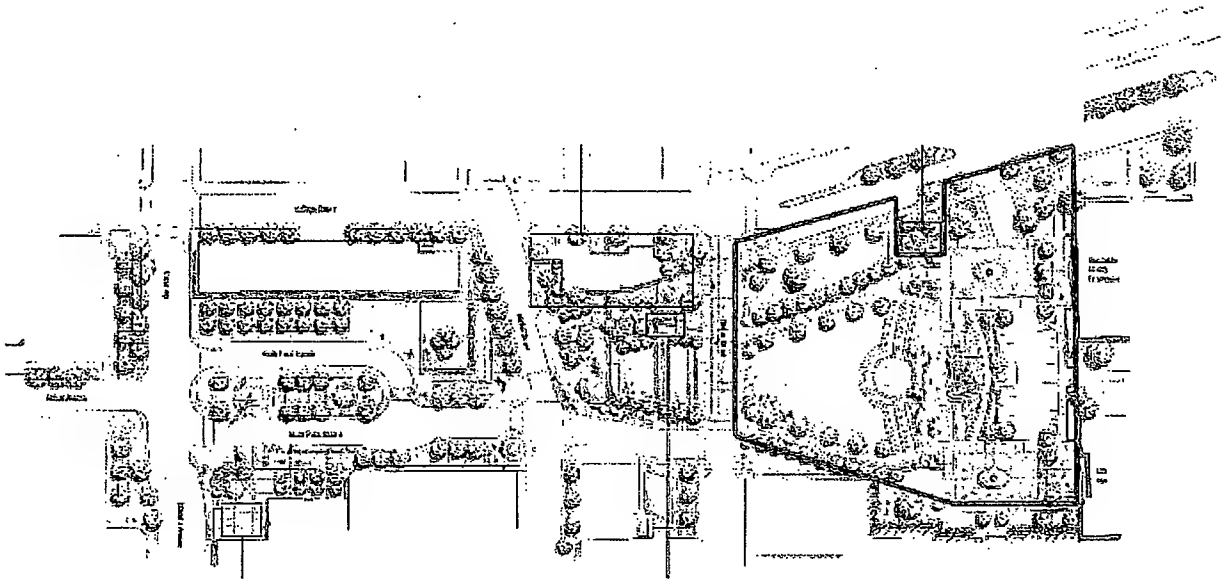
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



ALCOHOL BOUNDARY

90

RESOLUTION NO. 15- 70

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT MOUNTAIN SPORTS FESTIVAL ON THE DATES FRIDAY, MAY 22, 2015, FROM 4:00 PM – 10:00 PM, SATURDAY, MAY 23, 2015, FROM 10:00 AM – 10:00 PM AND SUNDAY, MAY 24, 2015, FROM 10:00 AM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Mountain Sports Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Mountain Sports Festival event area, as set forth in Exhibit A, attached.

   The Mountain Sports Festival event area is within within the boundaries of the velodrome at Carrier Park located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Mountain Sports Festival on Friday, May 22, 2015, from 4:00 p.m. – 10:00 p.m., Saturday, May 23, 2015, from 10:00 a.m. – 10:00 p.m. and Sunday, May 24, 2015, from 10:00 a.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Mountain Sports Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Mountain Sports Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Mountain Sports Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Bullesson
City Clerk

Mayor

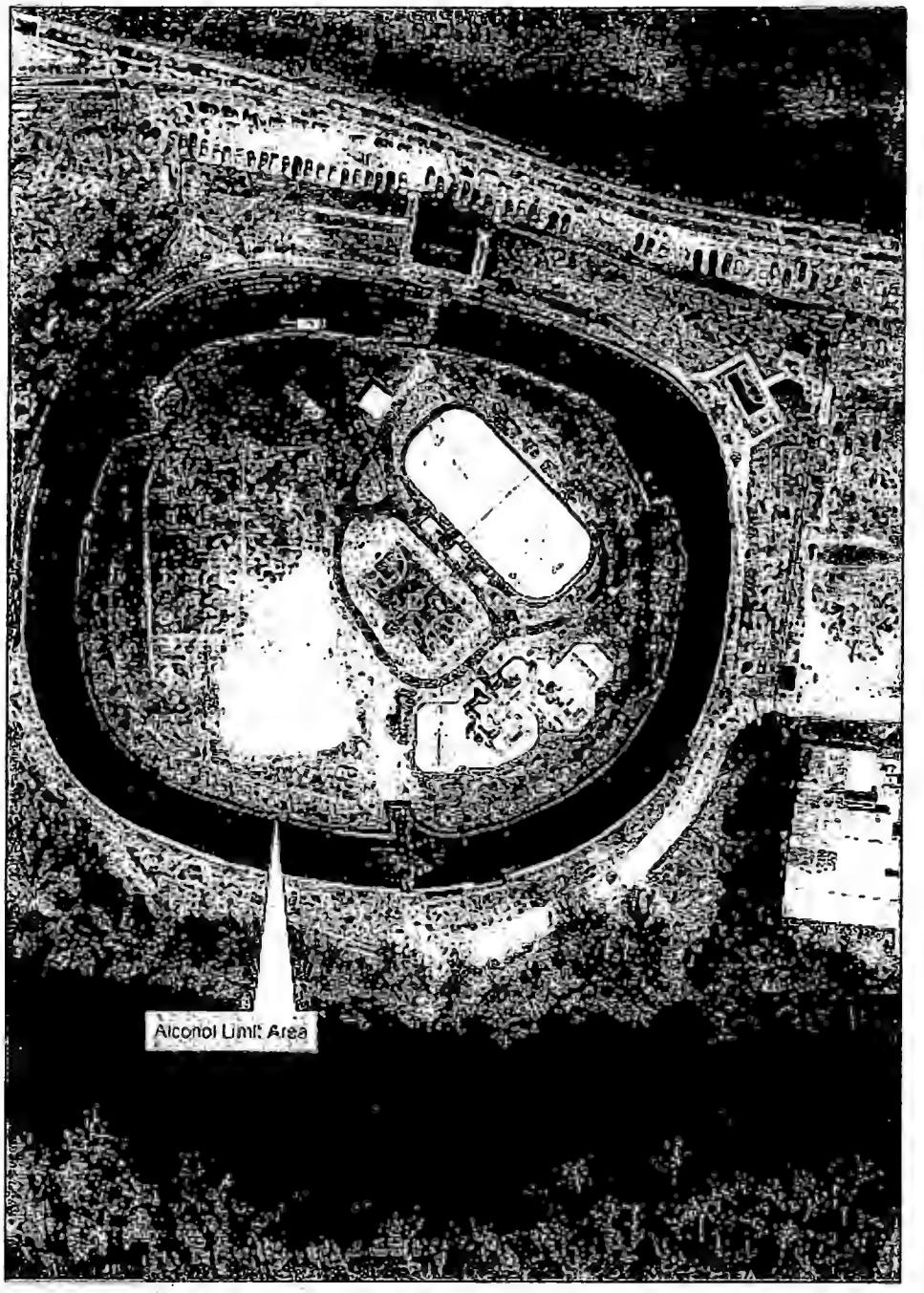
Approved as to form:

City Attorney

Magdalen Bullesson
City Clerk

92

EXHIBIT A



Carrier Park

RESOLUTION NO. 15- 71

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL ON THE DATE OF SATURDAY, MAY 30, 2015, FROM 12:00 PM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Festival event area, as set forth in Exhibit A, attached.

   The Beer City Festival event area is within the boundaries of Pack Square Park's Roger McGuire Green, Spruce Street between the intersections of South Pack Square & College Street, and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Festival on Saturday, May 30, 2015, from 12:00 p.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Beer City Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Beer City Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Beer City Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Bowlesson
City Clerk

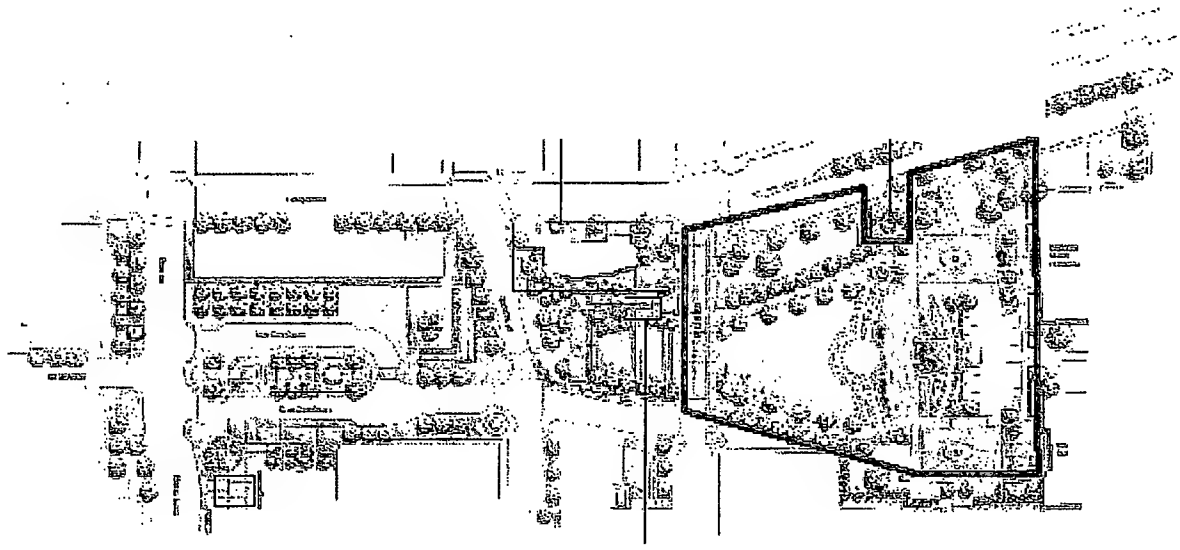
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

EXHIBIT A



ALCOHOL BOUNDARY

96

RESOLUTION NO. 15- 72

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT RACE TO THE TAPS – SOUTH SLOPE ON THE DATE OF SATURDAY, AUGUST 8, 2015, FROM 4:30 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Race to the Taps – South Slope.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Race to the Taps – South Slope event area, as set forth in Exhibit A, attached.

   The Race to the Taps – South Slope event area is within the boundaries of Banks Avenue between Coxe Avenue and Church Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Race to the Taps – South Slope on Saturday, August 8, 2015, from 4:30 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable

plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Race to the Taps – South Slope event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Race to the Taps – South Slope event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Race to the Taps – South Slope, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Burleson
City Clerk

Mayor

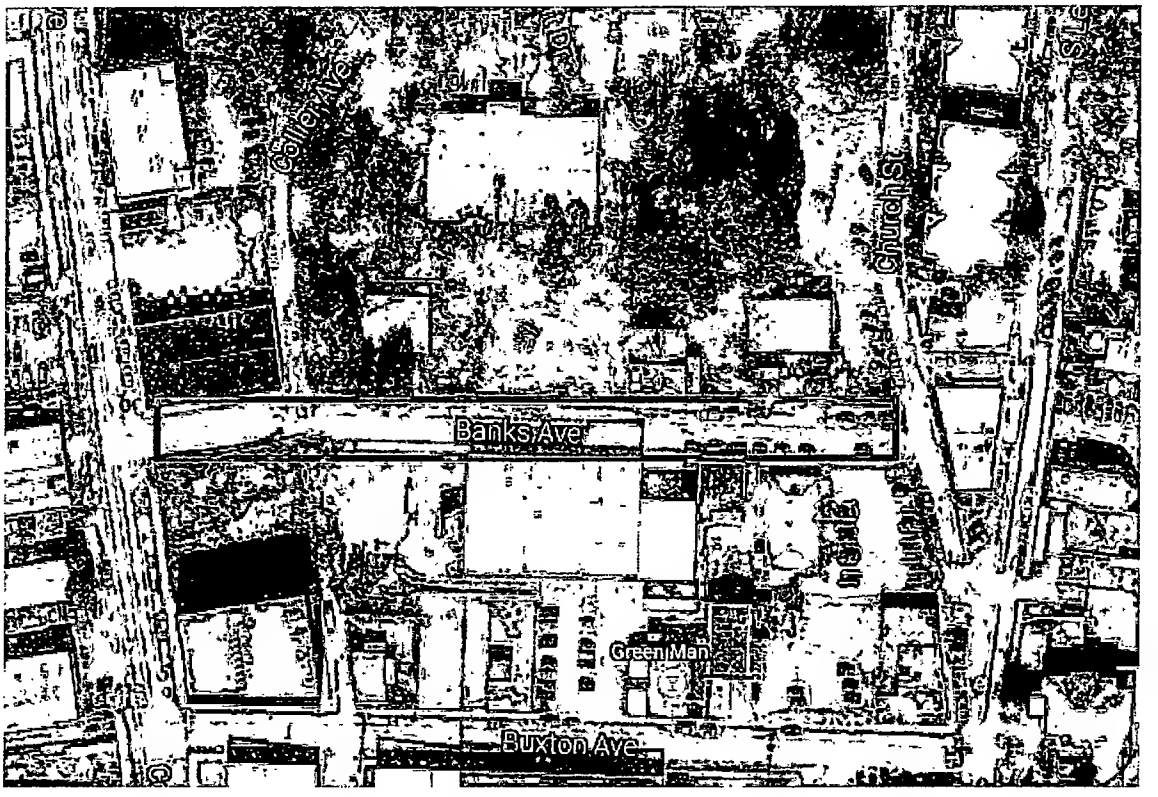
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

98

EXHIBIT A



ALCOHOL BOUNDARY

RESOLUTION NO. 15- 73

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE HALF MARATHON ON THE DATE OF SATURDAY, JUNE 6, 2015, FROM 7:00 AM – 12:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Half Marathon.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Half Marathon event area, as set forth in Exhibit A, attached.

   The Asheville Half Marathon event area is within the boundaries of Pack Square Park's Roger McGuire Green and within the City Hall/Courthouse parking lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Half Marathon on Saturday, June 6, 2015, from 7:00 a.m. – 12:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from

glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Half Marathon event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Half Marathon event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville Half Marathon, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Bulleson
City Clerk

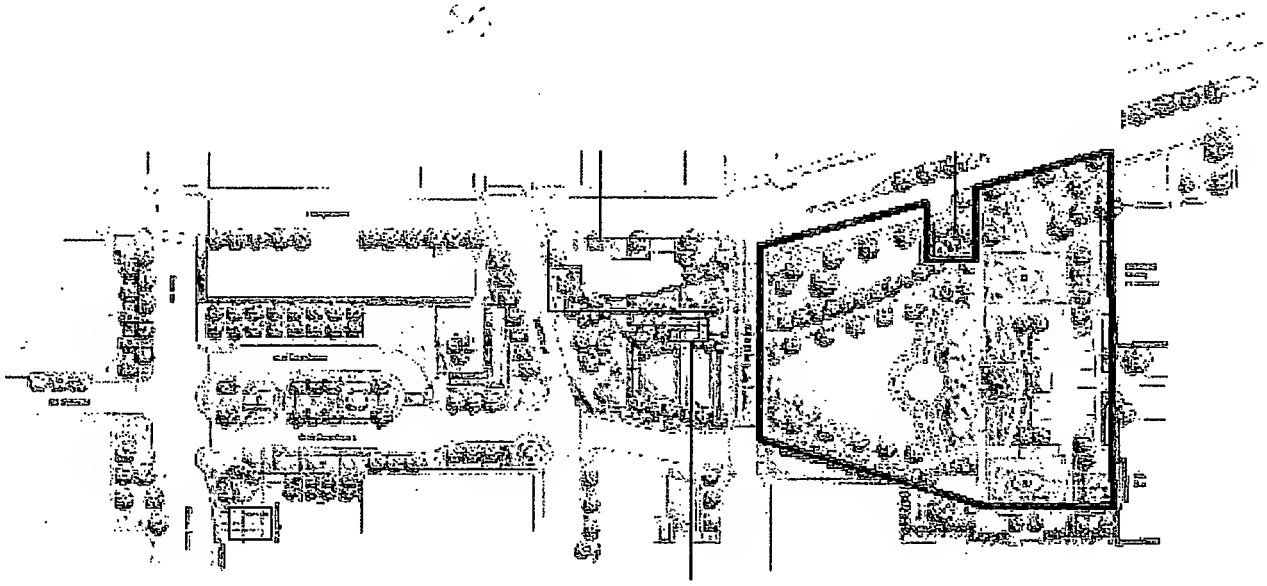
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

EXHIBIT A



ALCOHOL BOUNDARY

102

RESOLUTION NO. 15- 74

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ORGANICFEST ON THE DATE OF SUNDAY, AUGUST 30, 2015, FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Organicfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Organicfest event area, as set forth in Exhibit A, attached.

   The Organicfest event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall

be allowed for Organicfest on Sunday August 30, 2015, from 12:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Organicfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Organicfest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Organicfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Bowlson
City Clerk

Mayor

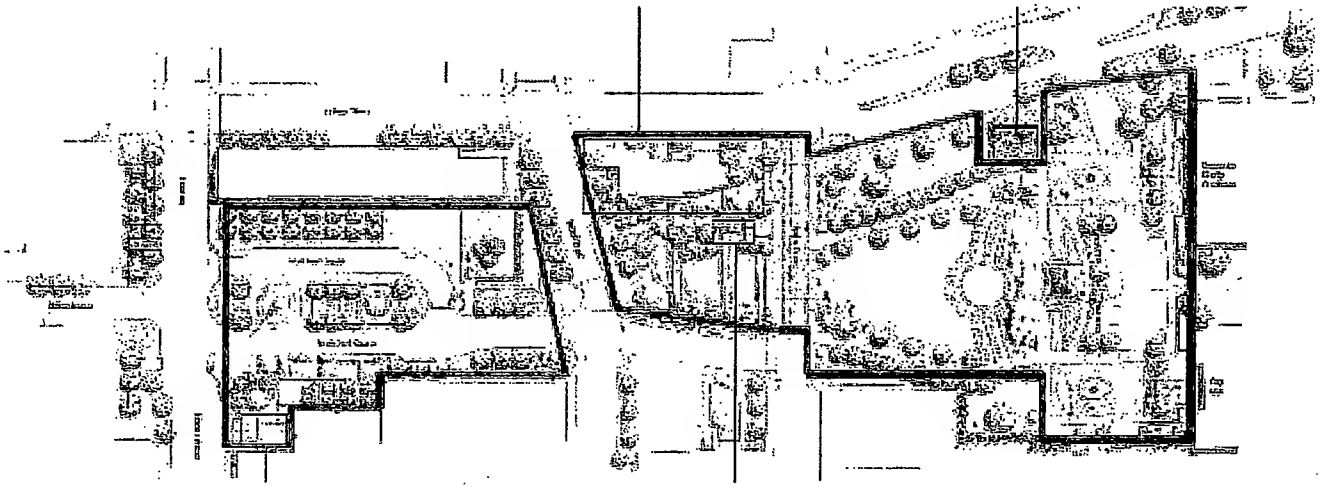
Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

104

Exhibit A



Alcohol Area

RESOLUTION NO. 15-75

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT TO DUKE ENERGY PROGRESS, INC. FOR AN ELECTRIC POWER LINE ON PROPERTY LOCATED ON THOMPSON STREET

WHEREAS, North Carolina General Statute Section 160A-273 grants authority to cities to convey easements across city property or right of way; and

WHEREAS, the City of Asheville, hereinafter the City, owns property located on Thompson Street, identified as PIN # 964881348100000; and

WHEREAS, Duke Energy Progress, Inc. requests that the City grant an easement measuring approximately 7,100.28 square feet in order to accommodate an electric power line; and

WHEREAS, in consideration for the easement, Duke has agreed to compensate the city at the fair market value of $37,500 and

WHEREAS, the easement will not interfere with the City's intended use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute 160A-273, the City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located on the Thompson Street side of the property PIN #9648813481 to Duke Energy Progress, Inc. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney and compliance with applicable North Carolina law.

Read and approved and adopted this 28th day of April 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-76

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CLARK NEXSEN, INC., FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE 200 BINGHAM ROAD PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Water Resources Department has the need for a professional services contract for Architectural and Engineering Design Services for the 200 Bingham Road project; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for the professional services project and awarded the project to the best qualified firm; and

WHEREAS, Clark Nexsen, Inc., was selected by City Staff via a Request for Qualifications process to perform professional engineering services for Architectural and Engineering Design Services for the 200 Bingham Road project in the amount of $102,000; and

WHEREAS, the project will be funded from the Water Resources Capital Improvement Projects Fund.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a professional services agreement with Clark Nexsen, Inc., for the proposed amount of $102,000. City Council also grants approval of a contingency amount of $10,200 for a total project budget in the amount of $112,200 for Architectural and Engineering Design Services for the 200 Bingham Road project. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15-77

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER FOR THE GENERAL SERVICES AGREEMENT WITH JOHNSON PRICE SPRINKLE PA FOR THE ASHEVILLE POLICE DEPARTMENT SPEED MEASURING INSTRUMENTS AUDIT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Finance Department is engaged in an audit of the Police Department's speed measuring instruments; and

WHEREAS, Johnson Price Sprinkle PA is contracted to provide agreed-upon procedures as an independent, external party to verify the speed measuring instruments audit; and

WHEREAS, the cost to complete Johnson Price Sprinkle PA's portion of the project may exceed the initially authorized $90,000; and

WHEREAS, the funding is currently allocated within Finance Administration division's professional services budget;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a contract change order to increase the amount of the general services agreement with Johnson Price Sprinkle PA to $120,000 and also authorizing the City Manager to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 15- 78

RESOLUTION APPROVING THE CITY'S CONSOLIDATED STRATEGIC HOUSING & COMMUNITY DEVELOPMENT PLAN FOR 2015-2019

WHEREAS, The City of Asheville receives an annual entitlement grant from the federal Community Development Block Grant (CDBG) program; and

WHEREAS, the City of Asheville also receives an annual entitlement grant for the HOME Investments Partnership Act (HOME) program as Lead Entity for the Asheville Regional Housing Consortium; and

WHEREAS, The City is required to submit to the U.S. Department of Housing and Urban Development, every five years, a Consolidated Strategic Plan to establish priorities and targets for the use of CDBG and HOME funds; and

WHEREAS, after extensive public consultation including public meetings and focus groups throughout the Consortium area, a draft Strategic Plan has been prepared and was published for comment on March 26, 2015; and

WHEREAS, a final public hearing was held at the City Council meeting on April 28, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE COUCIL OF THE CITY OF ASHEVILLE THAT:

City Council approves the submission to HUD of the Consolidated Strategic Housing and Community Development Plan for 2015-2019 which is incorporated by reference as if fully set forth herein.

Read, approved and adopted this 28th day of April 2015.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 15-79

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2015-2016 TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, the City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2015-2019; and

WHEREAS, each year the City must submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Annual Action Plan detailing its proposed use of CDBG and HOME funds; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, for an Action Plan for fiscal year 2015-16; and

WHEREAS, a public hearings has been held on April 28, 2015 to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the submission to HUD of the Consolidated Annual Action Plan for 2015-16 which is incorporated by reference as if fully set forth herein.

2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the Consolidated Action Plan.

Read, approved and adopted this 28 day of April, 2015.

Magdalen Bullion
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

110

RESOLUTION NO. 15-80

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF BRADLEY STREET

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owner Jay Fiano, d/b/a Fiano Properties, asking that a portion of Bradley Street between Piercy Street to the north and State Street to the south be permanently closed to public use; and

WHEREAS, Mr. Jay Fiano owns on both sides of the portion of the street to be closed; and

WHEREAS, City Council on the 24th day of March, 2015, adopted a resolution of intent to permanently close said portion of Bradley Street, and ordered a public hearing on the question of the closing for the 28th day of April 2015, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order of said public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit presented to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along Bradley Street; and a copy was forwarded to all owners as shown on the Buncombe County tax records who did not join the petition to close; and

WHEREAS, Fiano Properties is proposing to dedicate a new right of way that will be of equal width to the proposed closure to allow continuous right of way around the proposed closure, so as not to deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties; and

WHEREAS, at said public hearing no objections were made that the proposed street closure would deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to the North Carolina General Statutes Sec 160A-299, a portion of Bradley Street between Piercy Street to the north and State Street to the south, as shown on a plat attached as Exhibit A is permanently closed to public use as a public street, said potion identified by the metes and bounds description, attached hereto as Exhibit B and incorporated herein by reference.

The closing is subject to the following:

1. The closing is subject to Fiano Properties, dedicating a new right of way to the City of Asheville that will be of equal width to the proposed closure and will allow for a continuous right of way around the proposed closed portion.

2. The closing is subject to the retention by the City of Asheville Water Resources Department, its successors and assigns, of a 20 foot wide permanent easement, for the operation and maintenance of a water line lying 10 feet on each side of the center line of said water line located within the portion of Bradley Street proposed to be closed.

That a certified copy of this resolution and order be filled in the Buncombe County Register of Deeds.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Bullman
City Clerk

Mayor

Approved as to form

City Attorney

Magdalen Bullman
City Clerk

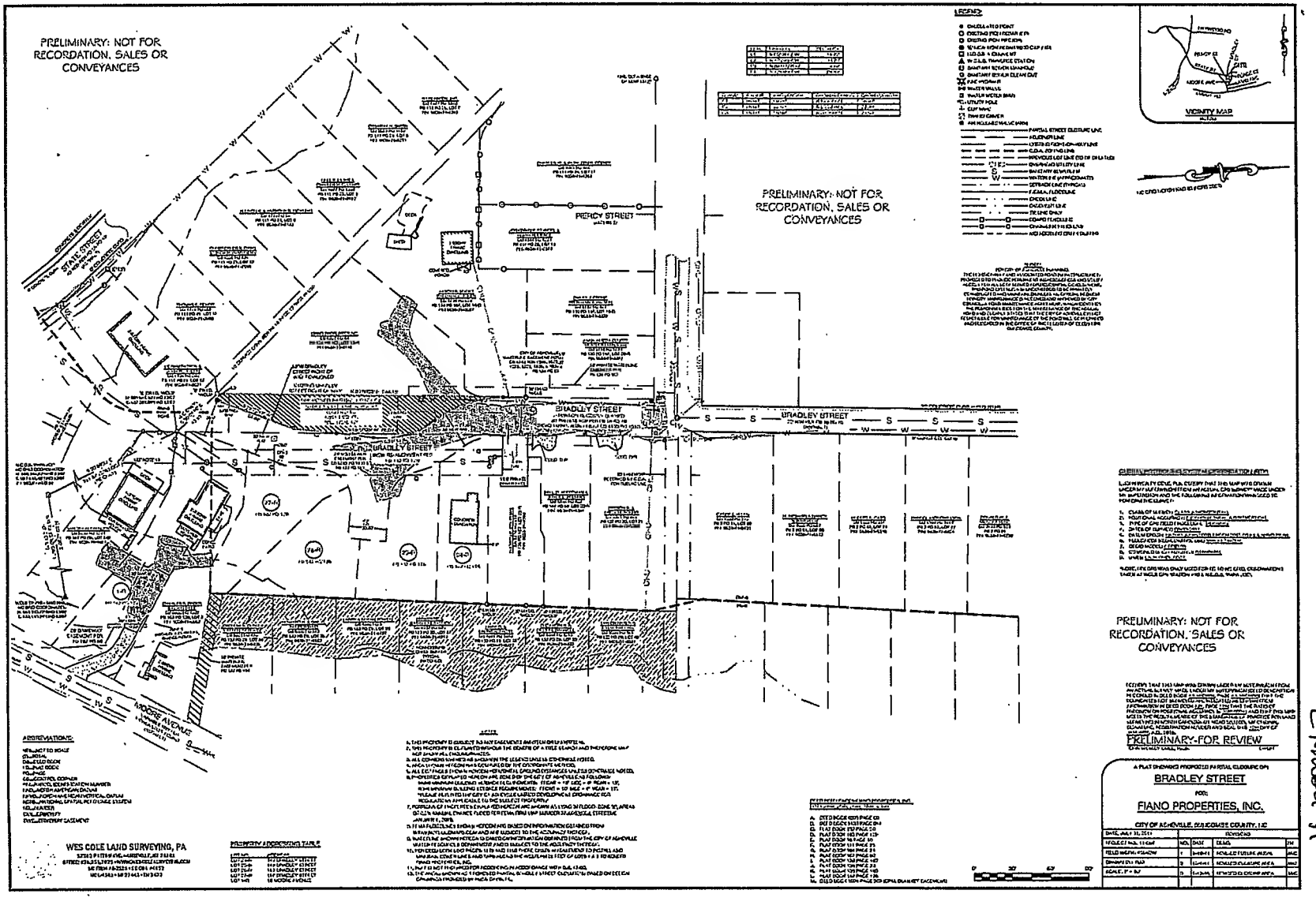

PRELIMINARY: NOT FOR RECORDATION, SALES OR CONVEYANCES
PRELIMINARY: NOT FOR RECORDATION, SALES OR CONVEYANCES
PRELIMINARY: NOT FOR RECORDATION, SALES OR CONVEYANCES
PERCY STREET
BRADLEY STREET
BRADLEY STREET
BRADLEY STREET
STATE STREET
MOORE AVENUE
VICINITY MAP
LEGEND
PRELIMINARY-FOR REVIEW
A PLAT SHOWING PROPOSED PARTIAL CLOSURE OF:
BRADLEY STREET
FOR:
FIANO PROPERTIES, INC.
CITY OF ASHEVILLE, BUNCOMBE COUNTY, NC
WES COLE LAUD SURVEYING, PA

Exhibit A

Description for Proposed Partial Closure of Bradley Street Area #1 **Exhibit B**

Beginning at a 5/8" existing iron rebar with ID cap "WCLS" in the westerly right of way of the unopened portion of Bradley Street per Plat Book 16 Page 10, said rebar also being the southerly most corner of Plat Book 136 Page 167, Lot 13-R and being located N 38°04'16" W, 43.59 from a 5/8" existing iron rebar with ID cap "WCLS" at the southwesterly most corner of Plat Book 142 Page 176, Lot 1-R having NC Grid Coordinates: Northing: 681,047.90', E: 937,397.01'; thence from the Point of Beginning and with the westerly right of way of Bradley Street per Plat Book 16 Page 10, N 05°50'33" E, 244.15' to a 5/8" existing iron rebar with ID cap "WCLS" at the southeasterly most corner of Plat Book 136 Page 167, Lot 20-R; thence leaving the westerly right of way of Bradley Street and with westerly right of way of the re-aligned portion of Bradley Street per Plat Book 142 Page 176 the following three calls:

1. S 05°06'13" W, 18.22' to a calculated point;
2. thence with a curve turning to the left with an arc length of 58.06', with a radius of 85.00', with a chord bearing of S 13°43'35" E, with a chord length of 56.94' to a calculated point;
3. thence with a reverse curve turning to the right with an arc length of 22.50', with a radius of 65.00', with a chord bearing of S 23°22'46" E, with a chord length of 22.39' to a calculated point at the intersection point of the westerly right of way of Bradley Street per Plat Book 16 Page 10 and the westerly right of way of the re-aligned portion of Bradley Street per Plat Book 142 Page 176;

thence with the right of way line of Bradley Street per Plat Book 16 Page 10, S 05°50'33" W, 58.09' to a calculated point at the intersection point of the westerly right of way of Bradley Street per Plat Book 16 Page 10 and the westerly right of way of the re-aligned portion of Bradley Street per Plat Book 142 Page 176; thence with the westerly right of way of the re-aligned portion of Bradley Street per Plat Book 142 Page 176 the following three calls:

1. thence S 12°09'39" W, 33.78' to a calculated point;
2. thence S 25°22'48" W, 64.81' to a 5/8" new iron rebar with ID cap "WCLS";
3. thence N 84°09'27" W, 4.84' which is the point of beginning,

having an area of 0.103 acres (4,504.09 square feet).
The described area is subject to a 20' City of Asheville waterline easement as recorded in Deed Book 5143 Page's 1019, 1022, 1025, 1028, 1031, & 1034 and Plat Book 138 Page 23.
All bearings are based on NC Grid North NAD 83 (NSRS 2007) and all distances are horizontal ground distances unless otherwise noted.
The foregoing description is based on an unrecorded plat by John Wesley Cole, PLS of Wes Cole Land Surveying, PA, dated July 31, 2014, and revised on September 10, 2014, October 1, 2014, and January 12, 2015 entitled "A Plat Showing Proposed Partial Closure of: Bradley Street for Fiano Properties, Inc.", Project Number: 11-007.

114

RESOLUTION NO. 15-81

RESOLUTION AMENDING RESOLUTION NO. 06-55, AND REGARDING THE CITY'S POLICY RELATING TO CLAIMS AND JUDGMENTS SOUGHT OR ENTERED AGAINST CITY OFFICERS AND EMPLOYEES

WHEREAS, by Resolution No. 06-55, and pursuant to N.C. Gen. Stat. § 160A-167, the City Council amended its policy relating to claims and judgments sought or entered against City officers and employees; and

WHEREAS, the Council now desires to again amend the policy of the City relating to such claims pursuant to N.C. Gen. Stat. § 160A-167, as set forth below:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Resolution No. 06-55 be and the same is hereby repealed in its entirety and the following policy is substituted in its place:

A. It shall be the policy of the City of Asheville to defend its officers and employees against civil claims and judgments and to satisfy the same under the standards set forth below; however, the City may elect not to defend or satisfy a claim or judgment if the officer or employee:

   i) Willfully acted, or willfully failed to act, in a wanton, reckless and/or with malicious manner;

   ii) Acted in excess of his or her authority or in any manner outside the officer's or employee's course or scope of employment;

   iii) Engaged in fraud, corruption or acted out of personal animus;

   iv) Acted or failed to act at the time when his or her judgment was substantially impaired because of the use of drugs and/or alcohol;

   v) Acted or failed to act directly contrary to instructions from his or her superiors, or directly contrary to the advice of the City Attorney;

   vi) Acted or failed to act in such a manner so as to constitute a criminal act;

   vii) Acted or failed to act in violation of City rules and/or policies and such violation resulted in the employee's termination or in other disciplinary action being taken against the employee; or

   viii) Is sued in his or her individual capacity.

B. The City Manager or his or her designee shall determine whether the City will or will not provide a defense for an officer or employee under this policy. The City is never required to provide such a defense.

C. In the event any excess policy of insurance carried by the City of Asheville requires the City to provide a defense to any claim or lawsuit filed against an officer or employee, where it has been determined by the City Manager or his or her designee that the City should not provide a defense under this policy, the City may seek indemnity from the officer or employee for all costs of providing such defense to the officer or employee, including but not limited to attorney's fees. The

City Manager or his or her designee shall determine in consultation with the City's excess carrier whether the excess insurance policy requires the City to provide a defense to such officer or employee.

D. The City Council, pursuant to the standards set forth herein, shall determine whether or not a claim or judgment entered against an officer or employee shall be paid or compromised by the City. The City is never required to satisfy or pay a claim or judgment, and any payment shall be in accordance with N.C. Gen. Stat. § 160A-167.

E. The City Council, also pursuant to the standards set forth herein, may elect to settle a claim against an officer or employee, either before or after a lawsuit is filed. Further, the City Council shall have the discretion to demand a complete release of the subject officer(s) or employee(s) in consideration of any such payment by the City. The City is never required to settle any claims under this policy.

F. The term "officer" and "employee" as used herein shall mean present or past officers or employees who might hereafter have claims or judgments filed or entered against them. In order for the City to provide a defense or pay a claim or settlement, the claim must have arisen during the time the officer or employee was an officer or employee of the City and have resulted from actions in the course and scope of, and which relate to, the officer or employee's duties or responsibilities for the City.

G. The policy specified herein shall not be applicable unless and until notice of the claim or lawsuit is given to the City Council through the City Manager or City Attorney prior to the time the claim is settled or the civil suit is litigated and judgment is entered.

H. This resolution and policy shall not be interpreted in any way to relieve any insurance company of its obligations under any insurance policy to protect the interests of any insured under said policy, or to reduce or eliminate the rights of any officer or employee of the City against any other party. Further, except as expressly stated herein, this resolution is not to be interpreted as a waiver of any rights the City has against any party.

I. This resolution shall not be interpreted in any way to constitute a waiver of governmental immunity.

Section 2. This Resolution shall be effective upon adoption.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

116

RESOLUTION NO. 15-82

RESOLUTION APPOINTING MEMBERS TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE

WHEREAS, Sarah Nunez has resigned as a member of the HUB Community Economic Development Alliance, thus leaving a vacancy until August 22, 2015; and

WHEREAS, Richard Stiles has resigned as a member of the HUB Community Economic Development Alliance, thus leaving a vacancy until August 22, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Kendra Penland, 14 Pleasant Ridge Drive. Asheville, N.C., be and she is hereby appointed as a member to the HUB Community Economic Development Alliance, to serve the unexpired term of Ms. Nunez, term to expire August 22, 2015, and then a full three-year term, term to expire August 22, 2018, or until her successor has been appointed.

Mr. Adrian Vassallo, Post Office Box 8064, Asheville, N.C., be and he is hereby appointed as a member to the HUB Community Economic Development Alliance, to serve the unexpired term of Mr. Stiles, term to expire August 22, 2015, and then a full three-year term, term to expire August 22, 2018, or until his successor has been appointed.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15- 83

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CHERRY BEKAERT & HOLLAND, FOR AUDITING SERVICES FOR FISCAL YEAR 2014-2015

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S. 159-34; and

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, Cherry Bekaert & Holland has submitted an engagement letter and contract pursuant to *Government Auditing Standards* and the requirements of the Commission to provide audit services to the City Council for fiscal year 2014-2015; and

WHEREAS, the City Council desires that the City's fiscal year 2014-2015 audit service contract be awarded to the firm Cherry Bekaert & Holland; and

WHEREAS, funds are included in the Accounting Division of the Finance Department's budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with Cherry Bekaert & Holland in the amount of $85,500 for auditing services for fiscal year 2014-2015.

Read, approved and adopted this 12th day of May, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

118

RESOLUTION NO. 15-84

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH MOTOROLA SOLUTIONS, INC. FOR THE PURCHASE OF RADIO COMMUNICATION EQUIPMENT AND SERVICES FOR THE PUBLIC SAFETY RADIO UPGRADE PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Public Safety Radio System is a critical resource to public safety operations that has reach the end of its supported lifecycle; and

WHEREAS, the City of Asheville issued a request for proposals, per NC Statutes § 143-129.8 Purchase of Information Technology Goods and Services to provide equipment and services for a P25, trunked, simulcast, 800 MHz public safety radio system; and

WHEREAS, the contracts with Motorola Solutions, Inc. will not exceed $4,397,762; and

WHEREAS, the funding for this project is budgeted in the Public Safety Radio Upgrade Project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into all associated contracts on behalf of the City of Asheville with Motorola Solutions, Inc. for the purchase of equipment and services at a cost not to exceed $4,397,762. The City Manager is further authorized to approve and execute any change orders to said contracts or documents which may arise during the term of said contract up to the budgeted amount.

Read, approved and adopted this the 12th day of May, 2015.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 15-85

RESOLUTION AUTHORIZING ACCEPTANCE OF THE NC-501 CONTINUUM OF CARE HOMELESS MANAGEMENT INFORMATION SYSTEM GRANT TO THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville is a part of the NC-501 Continuum of Care, and serves as the Lead Entity for the NC-501 Continuum of Care; and

WHEREAS, the City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets that includes efforts to end and reduce homelessness; and

WHEREAS, participation in the Homeless Management Information System is a requirement of the Continuum of Care Grant and Emergency Solutions Grant; and

WHEREAS, the Department of Housing and Urban Development's Regional Office has approved the City of Asheville to be the grant recipient;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the acceptance of the NC-501 HMIS Grant to the City of Asheville.

2. Council authorizes the City Manager to sign all contracts and grant agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the HMIS Grant activities.

Read, approved and adopted this 12th day of May, 2015.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:
CITY ATTORNEY

Magdalen Bowlesson
City Clerk

120

RESOLUTION NO. 15-86

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR 300 MILL RIVER DRIVE (MILL RIVER LOFTS LLC)

WHEREAS, The City of Asheville has the authority pursuant to the Local Development Act of 1925 (N.C. Gen. Stat. sec. 158-7.1) to make appropriations for economic development and to enter into appropriate agreements setting out the terms and conditions of economic development projects for which appropriations are made; and

WHEREAS, The City Council of Asheville believes it important to support development projects that achieve goals set forth in their annual strategic goals, the City's Comprehensive Plan and other adopted plans, including the provision of workforce housing and/or green development; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, at its meeting on May 12, 2015, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and Mill River Lofts LLC for the 300 Mill River Drive development; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The public hearing to consider a land use incentive grant for the 300 Mill River Drive development is hereby set on May 26, 2015, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 12th day of May, 2015.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15--87

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR 146 ROBERTS STREET (RAD LOFTS)

WHEREAS, The City of Asheville has the authority pursuant to the Local Development Act of 1925 (N.C. Gen. Stat. sec. 158-7.1) to make appropriations for economic development and to enter into appropriate agreements setting out the terms and conditions of economic development projects for which appropriations are made; and

WHEREAS, The City Council of Asheville believes it important to support development projects that achieve goals set forth in their annual strategic goals, the City's Comprehensive Plan and other adopted plans, including the provision of workforce housing and/or green development; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, at its meeting on May 12, 2015, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and RAD Lofts LLC for the 146 Roberts Street development; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The public hearing to consider a land use incentive grant for the 146 Roberts Street development is hereby set on May 26, 2015, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 12th day of May, 2015.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-88

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION SERVICES CONTRACT WITH PATTON CONSTRUTION GROUP FOR THE CONSTRUCTION SERVICE NECESSARY FOR THE WESTOVER DRIVE STORM DRAINAGE IMPROVEMENTS

WHEREAS, the City of Asheville has the authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Westover Drive Storm Drainage Improvement Project; and

WHEREAS, the City of Asheville has a Stormwater Utility Fund designated to implement stormwater capital projects; and

WHEREAS, the City of Asheville did advertise and receive bids from qualified contractors to perform the construction activity outlined in the approved documents for the Westwood Drive Storm Drainage Improvement Project and the City of Asheville determined that ~~Fletcher Grading Contractors, LLC~~ and their bid of $385,675 as the low responsible and responsible bidder; Patton Construction Group (typo error)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter a contract with Patton Construction Group, Inc for the construction services necessary to complete the Westover Drive Storm Drainage Improvements for $385,675 and to enter into change orders to this contract not to exceed an additional 15% of the original contract or $57,851.

Read, approved and adopted this the 12th day of May, 2015.

Magdalen Bullock
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 15- 89

RESOLUTION RE-AFFIRMING THE AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT FOR ENCROACHMENT ON REAL PROPERTY

WHEREAS, the City has the authority pursuant to N.C. Gen. Stat. §160A-272.1 to grant easements in and otherwise permit the use of City-owned property for any reason that does not substantially impair the City's interest;

WHEREAS, by Resolution No 01-10, adopted on the 23rd day of January, 2001, City Council authorized the City Manager to execute a license agreement with Leigh and Katherine Kimmel, to allow the construction and maintenance of a driveway on real property that may be owned by the City, downstream from the North Fork Reservoir spillway ("Subject Property"); and

WHEREAS, it appearing that due to oversight the License Agreement was never executed and it further appearing that the facts and circumstances being substantially similar, the execution of the license agreement should be reaffirmed;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be and is hereby authorized to execute a license agreement with Leigh and Katherine Kimmel for the maintenance of a driveway on the Subject Property, subject to the approval of the City Attorney.

Read, approved and adopted this 12th day of May, 2015.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 15-90

RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT A FARE- FREE DAY DURING THE STRIVE NOT TO DRIVE WEEK, FOR FISCAL YEAR 2015 AND FISCAL YEAR 2016, TO PROMOTE ACTIVITIES THAT ENCOURAGE THE USE OF THE TRANSIT SYSTEM

WHEREAS, every year, the Strive Not To Drive week focuses on promoting transportation alternatives to the single-occupant car; and

WHEREAS, Strive Not To Drive events want to promote the use of transit; and

WHEREAS, fare-free has proven to be an effective way to show riders appreciation and introduce new riders to the system and to promote transit;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to implement fare-free day for Fiscal Year 2015 and Fiscal Year 2016 during the Strive Not To Drive week to promote activities that encourage the use of the transit system.

Read, approved, and adopted this the 12th day of May 2015.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15-91

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY OWNED PERSONAL PROPERTY, (JOHN DEERE 450J BULLDOZER), VALUED AT $30,000 OR MORE

WHEREAS, pursuant to N.C.G.S. §160A-266, disposal of City owned surplus personal property valued at $30,000 or more requires City Council approval; and

WHEREAS, the City owns a surplus John Deere 450J Bulldozer ("Bulldozer"), with an estimated blue book value of $35,000; and

WHEREAS, the Bulldozer was advertised on the Public Surplus Bid website and upon completion of the auction on Sunday, April 19, 2015, the highest bid was $55,400.00; and

WHEREAS, to finalize the sale of the Bulldozer, City Council approval is needed; and

WHEREAS, proceeds of the sale will be returned to the Water Enterprise Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Purchasing Manager is hereby authorized to sell the John Deere 450J Bulldozer for $55,400.

2. The Purchasing Director is hereby further authorized to execute any and all documents and require any and all other information necessary to effectuate the sale of the John Deere 450J Bulldozer.

Read, approved and adopted this the 12th day of May, 2015.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

126

RESOLUTION NO. 15-92

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR POLYLINKS INC. IN THE CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and,

WHEREAS, PolyLINKS Inc. is proposing to expand its existing manufacturing facility within the City limits adding $2,300,000 in building upgrades and machinery and equipment and the creation of 12 new manufacturing jobs; and,

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves a grant for PolyLINKS Inc. not to exceed $31,000 payable in five (5) annual installments, subject to compliance with a Performance Agreement between the City and PolyLINKS Inc.; and

2. The City Manager is hereby authorized to execute the Performance Agreement setting the conditions for both parties, subject to approval of the City Attorney.

Read and approved and adopted this 12th day of May, 2015.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15-93

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF HI-WIRE BREWING IN THE CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and,

WHEREAS, Hi-Wire Brewing is proposing a new manufacturing facility within the City limits adding $1,620,000 in new capital investment in new building and machinery and equipment; and,

WHEREAS, the company will create 15 new jobs within three years, with an average wage of $37,400 and provides 50% of coverage for health insurance and other benefits to employees; and,

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves a grant for , Hi-Wire Brewing not to exceed $25,000 payable in five (5) annual installments, subject to compliance with a Performance Agreement between the City and Hi-Wire Brewing; and
2. The City Manager is hereby authorized to execute the Performance Agreement setting the conditions for both parties, subject to approval of the City Attorney.

Read and approved and adopted this 12th day of May, 2015.

Magdalen Bullen
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullen
City Clerk

RESOLUTION NO. 15-94

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR THE 2015 TOURISM PRODUCT DEVELOPMENT FUND CYCLE

WHEREAS, the Buncombe County TDA opens their 2015 grant funding cycle in June 2015; and

WHEREAS, the City of Asheville has identified a riverfront destination development project that will add new and incremental room nights and meets the goals and requirements iterated by the grant guidelines; and

WHEREAS, City Council has identified implementation of riverfront redevelopment capital improvement projects as a key strategic goal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to submit a grant application to the Buncombe County Tourism Development Authority for the 2015 Tourism Product Development Fund cycle.

Read, approved and adopted this the 26th day of May, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-95

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A 0.947 ACRE EASEMENT LOCATED AT THE ASHEVILLE REGIONAL AIRPORT TO THE N.C. DEPT. OF TRANSPORTATION

WHEREAS, North Carolina General Statutes Section 160A-274 provides for a municipality to transfer interest in real property to any other unit of government; and

WHEREAS, the City of Asheville holds title to real property located at 61 Terminal Drive in Fletcher, known as the Asheville Regional Airport; and

WHEREAS, the N.C. Dept. of Transportation (NCDOT) has requested to purchase 0.947 acres of permanent right-of-way easement needed for the development of Ferncliff Park Drive; and

WHEREAS, NCDOT has offered to purchase this portion of real property for $93,000 and this price has been substantiated by an independent MAI appraisal; and

WHEREAS, all proceeds of sale are subject to Federal Aviation Administration (FAA) regulations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-274, the City Manager is hereby directed to convey the aforementioned real property at 61 Terminal Drive, Fletcher, to the North Carolina Department of Transportation. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 26th day of May 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

130

RESOLUTION NO. 15-96

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY OWNED PERSONAL PROPERTY, (JOHN DEERE 410G BACKHOE), VALUED AT $30,000 OR MORE

WHEREAS, pursuant to N.C.G.S. §160A-266, disposal of City owned surplus personal property valued at $30,000 or more requires City Council approval; and

WHEREAS, the City owns a surplus John Deere 410G Backhoe ("Backhoe"), with an estimated blue book value of $5,000.00; and

WHEREAS, the Backhoe was advertised on the Public Surplus Bid website and upon completion of the auction on Monday, May 11, 2015, the highest bid was $34,100.00; and

WHEREAS, to finalize the sale of the Backhoe, City Council approval is needed; and

WHEREAS, proceeds of the sale will be returned to the Water Enterprise Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Purchasing Manager is hereby authorized to sell the John Deere 410G Backhoe for $34,100.

2. The Purchasing Director is hereby further authorized to execute any and all documents and require any and all other information necessary to effectuate the sale of the John Deere 410G Backhoe.

Read, approved and adopted this the 26th day of May, 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15 - 97

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SPECIAL MAINTENANCE AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ASHEVILLE TO ALLOW PUBLIC PARKING UNDER A SECTION OF BRIDGE # 322 AND # 323 ON THE EAST SIDE OF THE FRENCH BROAD RIVER IN THE RIVER ARTS DISTRICT

WHEREAS, NCGS 160A-17.1, authorizes the governing body of any city or county to make contracts with the State or federal government to perform any function which such city or county may be authorized by general law or local act to provide or perform; and

WHEREAS, Article 15 of Chapter 160A , section 160A-302.1 authorizes a city to own, acquire, establish, regulate, operate, and control off-street parking lots, parking garages, and other facilities for parking motor vehicles; and

WHEREAS, the City of Asheville has requested that the North Carolina Department of Transportation grant permission to the City to use the area under Bridge # 322 and # 323 (I-26, I-240, US 19-23, and US 74-A) on the east side of the French Broad River; and

WHEREAS, the North Carolina Department of Transportation has granted permission to the City for said location to be used as a public parking area;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager of the City of Asheville is hereby authorized to enter into a special maintenance agreement with the North Carolina Department of Transportation to allow public parking under a section of bridge #322 and #323 on the east side of the French Broad River in the River Arts District.

Read, approved and adopted this the 26th day of May 2015.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-98

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH JOHN DEERE CREDIT FOR PARKS MAINTENANCE EQUIPMENT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville leases park maintenance equipment with John Deere Credit for four years with maintenance included that supports basic services and part of core park maintenance level of service for the City's park system; and

WHEREAS, the City will exercise the four-year lease option for the amount not to exceed $98,528.72 and the monies for the first year have been budgeted in the Parks and Recreation Department in the Park Maintenance section in the 2014-2015 Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a lease agreement on behalf of the City of Asheville with John Deere Credit not to exceed $98,528.72 over four years for park maintenance equipment and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 26th day of May, 2015.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 15 - 99

RESOLUTION ACCEPTING GRATITUDE DRIVE AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to GS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, Gratitude Drive is located in the corporate limits of the City of Asheville; and

WHEREAS, Gratitude Drive was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to Gratitude Drive including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the 25-foot right-of-way for Gratitude Drive has been recorded in Plat Book 154 Page 84 and Plat Book 175 Page 80;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Gratitude Drive is accepted by the City of Asheville for maintenance beginning from Burk Street and Grinnell Street to a point 0.03 miles east of Burk Street/Grinnell Street, as more specifically shown on the attached map.

Read, approved and adopted this 26th day of May, 2015.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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LANGWELL AVE
GRINNELL ST
BURK ST
GRATITUDE DR
NEW JERSEY AVE
Gratitude Drive
Width = 20 feet
Length = 0.03 mile
180
I240 W
I240 E
240
311
100
312

RESOLUTION NO. 15-100

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT FOR PROJECT NO. 3-39-0005-45-2015

WHEREAS, the City of Asheville has the authority pursuant to G. S. 160A-17.1 to apply for and received grants from the federal government, and to enter into agreements as to the administration of such grants; and

WHEREAS, the Federal Aviation Administration ("FAA") has offered a grant agreement to the Greater Asheville Regional Airport Authority in an amount of $12,560,480, for construction runway (Phase 2 Construction - Temporary Runway 16/34 Paving, Lighting and NAVAIDs); and

WHEREAS, the City of Asheville and the County of Buncombe are co-sponsors of the grant agreement; and

WHEREAS, the FAA requires each sponsor to execute said grant agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor be and is hereby authorized to execute the FAA Grant Agreement for Project No. 3-39-0005-45-2015 in an amount of $12,560,480.

Read, approved and adopted this 26th day of May, 2015.

Magdalen Bullion
CITY CLERK

Edwin E. Mann
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

136

RESOLUTION NO. 15-101

RESOLUTION APPROVING THE TERMS FOR AN AMENDED LAND USE INCENTIVE GRANT FOR RAD LOFTS LLC AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND USE INCENTIVE PROGRAM AGREEMENT

WHEREAS, pursuant to NCGS sec. 158-7.1 the City of Asheville is authorized to make appropriations for economic development which will in the discretion of the Council increase the population and taxable property and achieve other public purposes and to enter into appropriate agreements setting out the terms and conditions of economic development projects for which appropriations are made; and

WHEREAS, pursuant to NCGS sec. 160A-456, the City of Asheville is authorized to appropriate and expend funds for community development programs and activities, including providing funds to assist low and moderate income persons;

WHEREAS, the City Council of Asheville believes it is important to support development projects that achieve goals set forth in their annual strategic goals, the City's Comprehensive Plan and other adopted plans, including the provision of workforce and affordable housing and/or green development; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the RAD Lofts development represents the type of project envisioned for support within those goals and the LUIP; and furthers public purposes, and the goals and objectives of the LUIP and N.C. Gen. Stat. § 158-7.1 and § 160A-456 by providing for affordable and workforce housing and energy saving development, which in turn will serve to increase the tax base and population and business prospects of the City; and

WHEREAS, the Asheville City Council, on August 26, 2014 approved Resolution 14-195, authorizing a Land Use Incentive Grant for RAD Lofts, LLC; and

WHEREAS, certain elements of the development as proposed have been changed slightly resulting in an increase in residential units and a reduction in the total project commercial space, and therefore, the developer requests an amendment to the approved Land Use Incentive Grant; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City County, the RAD Lofts Development located at 146 Roberts Street will be a 243 unit multi-family rental development project that is located in close proximity to transit lines, and will fulfill an important public purpose, in that it will provide 231 units of workforce housing (defined as rents that require payment of no more than 30% of gross income for household with an income at or below 120% of the area median income; it is agreed that the developer will be allowed to escalate the workforce rents by a maximum of 3% from the baseline 2015 work force rents as published by the City, annually during the affordability period), and 12 units of

affordable housing (defined as rents that require payment of no more than 30% of gross income for a household with an income not exceeding 80% of the area median income), and will achieve certification as an Energy Star™ development, and will be a mixed-use development with approximately 34,000 square feet of commercial space; and will be located within one-eighth of a mile of a public transit route; and will be built on land that has been designated as a brownfield; and

WHEREAS, the developers of the RAD Lofts development have demonstrated to the satisfaction of the City Council that they have substantial and sufficient private equity participation in the project; and

WHEREAS, the RAD Lofts development has been determined by City Council to meet the eligibility requirements of the LUIP;

NOW,THEREFORE, BE IT RESOLVED BY THE CITY COUNCILOF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council hereby agrees to enter into a Land Use Incentive Agreement with RAD Lofts LLC to support the development of the RAD Lofts project. The estimated annual land use incentive grant would be the difference between the current City tax and the estimated post-completion City tax currently estimated to be $144,892 The grant is approved for a period of 4 years with the total estimated grant to be $579,567, the exact amount to be determined by the actual assessed value of the development upon completion. Additionally, a 40% fee rebate of approximately $32,724 is approved. The City's grant shall be applied to the amount not covered by the Brownfield Grant over the four-year period, as opposed to equal payments over the requested four-year period. This would result in a grant disbursement that would increase annually over the four-year term; and may lead to an extension of the grant period until the total maximum grant amount is paid.

2. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 26th day of May, 2015.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

CITY ATTORNEY

Magdalen Bowlson
City Clerk

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RESOLUTION NO. 15-102

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT AGREEMENT FOR 300 MILL RIVER DRIVE (MILL RIVER LOFTS LLC)

WHEREAS, The City of Asheville has the authority pursuant to the Local Development Act of 1925 (N.C. Gen. Stat. sec. 158-7.1) to make appropriations for economic development and to enter into appropriate agreements setting out the terms and conditions of economic development projects for which appropriations are made; and

WHEREAS, pursuant to N.C. Sec. 160A-456, the City of Asheville is authorized to appropriate and expend funds for community development programs and activities, including providing funds to assist low and moderate income persons; and

WHEREAS, the City Council of Asheville believes it important to support development projects that achieve goals set forth in their annual strategic goals, the City's Comprehensive Plan and other adopted plans, including the provision of workforce housing and/or green development; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the River Mill Lofts Lofts development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City Council, the River Mill Lofts development located at 300 River Mill Drive will be a 254 unit multi-family rental development project that is located in close proximity to transit lines, and will fulfill an important public purpose, in that it will provide 216 units of workforce housing (defined as rents that require payment of no more than 30% of gross income for a household with an income at or below 120% of the area median income), and 18 units of affordable housing (defined as rents that require payment of no more than 30% of gross income for a household with an income not exceeding 80% of the area median income), and will achieve certification as an Energy Star ™ development, and will be a mixed-use development with 8,000 square feet of commercial space; and will be located within .4 mile of a public transit route; and

WHEREAS, the developers of the River Mill Lofts development have demonstrated to the satisfaction of the City Council that they have substantial and sufficient private equity participation in the project; and

WHEREAS, the River Mill Lofts development has been granted a waiver of the .25 mile locational requirement because the City Council has determined that this development and others proposed for the area have the potential to create significant new transit demand, that three transit routes are currently within 0.4 mile of the site, and that a multi-modal route via the Wilma Dykeman Riverway, is master-planned contiguous to the development site and therefore, the location of the project meets the goals of the LUIP and a waiver of the eligibility requirement is justifiable;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council hereby agrees to enter into a Land Use Incentive Agreement with River Mill Lofts LLC to support the development of the River Mill Lofts project. The estimated annual land use incentive grant would be the difference between the current City tax and the estimated post-completion City tax currently estimated to be $111,757. The grant is approved for a period of 3 years within the total estimated grant to be $335,271, the exact amount to be determined by the actual assessed value of the development upon completion. Additionally, a 30% fee rebate of approximately $15,000 is approved.
2. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 26h day of May, 2015.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

140.

RESOLUTION NO. 15-103

RESOLUTION APPOINTING MEMBERS TO THE CIVIL SERVICE BOARD

WHEREAS, the term of Lynn Moffa, as a member on the Civil Service Board, expired on May 21, 2015; and

WHEREAS, Carolyn Worthington has resigned as a member of the Civil Service Board, whose term expired on May 21, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Alan Escovitz, 102 Macon Avenue, Asheville, N.C., be and he is hereby appointed as a member of the Civil Service Board, to serve a two year term, term to expire May 21, 2017, or until his successor has been appointed.

Ms. Carol Goins, 17 Rocking Porch Road, Asheville, N.C., be and she is hereby appointed as a member of the Civil Service Board, to serve a two year term, term to expire May 21, 2017, or until her successor has been appointed.

Read, approved and adopted this 26th day of May , 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15- 104

RESOLUTION APPROVING IN PRINCIPLE THE ISSUANCE OF UP TO $10,000,000 MULTIFAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR THE ACQUISITION AND RENOVATION OF SPRUCE HILL APARTMENTS

WHEREAS, the City Council (the "City Council") of the City of Asheville, North Carolina (the "City") met in Asheville, North Carolina at 5:00 p.m. on the 9th day of June, 2015; and

WHEREAS, the Housing Authority of the City of Asheville, North Carolina (the "Issuer") has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed $10,000,000 (the "Bonds"), for the purpose of financing the acquisition, rehabilitation and equipping by SP Affordable Housing Group III LLC, a Washington limited partnership, or an affiliated or related entity (the "Borrower"), of a mixed income multifamily residential rental facility known as Spruce Hill (the "Development"); and

WHEREAS, the Development consists of approximately 174 affordable units located at 201 Spruce Court, Asheville, North Carolina; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that any bonds issued by the Issuer for the Development may only be issued after approval of the plan of financing by the City Council of the City following a public hearing with respect to such plan; and

WHEREAS, on May 27, 2015 the Issuer held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Bonds as required by the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Issuer, or to constitute the Bonds or any of the agreements or obligations of the Issuer an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

1. The proposed issuance by the Housing Authority of the City of Asheville of its multifamily housing revenue bonds in an amount not to exceed $10,000,000 to finance, in part, the costs of acquisition, rehabilitation and equipping of the Development

described above by the Borrower is hereby approved for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bollinson
CITY CLERK

Ann G. Mar
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bollinson
City Clerk

RESOLUTION NO. 15 – 105

RESOLUTION REVISING THE CITY OF ASHEVILLE STANDARD SPECIFICATIONS AND DETAILS MANUAL

WHEREAS, the City Council of the City of Asheville approved the Standard Specifications and Details Manual on May 20, 1997 with an effective date of May 27, 1997, via Resolution No. 97-68; and

WHEREAS, the Standard Specifications and Details Manual has undergone three major revisions since May 27, 1997; and

WHEREAS, the City Council of the City of Asheville approved an update to the Standard Specifications and Details Manual on May 13, 2014, via Resolution No. 14-95; and

WHEREAS, the purpose of the manual is to provide design guidelines and technical specifications for construction activities related to streets, sidewalks, water systems, storm drainage, parking lots, and pavement structure; and

WHEREAS, the revisions are needed in order to facilitate development in accordance with sound engineering and complete street principles; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville hereby adopts all of the revisions to the City of Asheville Standard Specifications and Details Manual dated June 9, 2015, with a redlined version outlining all of the revisions, being on file in the City of Asheville Department of Transportation.

Read, approved, and adopted this 9th day of June 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION 15-106

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING AGREEMENT TO FINANCE VEHICLES AND EQUIPMENT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the *"City Council"*) has determined that it is in the best interest of the City to enter into an installment financing agreement (the *"Contract"*) with First Bank (the *"Bank"*) in order to pay the capital costs of the acquisition and installation of computer equipment, vehicles and general governmental equipment (collectively, the *"Projects"*), and to put a security interest in the Projects in favor of the Bank in order to provide security for the City's obligations under the Contract;

WHEREAS, the City will enter into the Contract in an aggregate principal amount of not to exceed $3,225,000;

WHEREAS, there have been made available to the City Council the form of the Contract which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Contract; and

WHEREAS, it appears that the Contract is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Ratification of Prior Actions.*** All actions of the City, the City Manager, the City Attorney, the City Purchasing Director, the Chief Financial Officer and the City Clerk and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract.

Section 2. ***Approval, Authorization and Execution of Contract.*** The City hereby approves the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with their terms. The City hereby approves the amount advanced by the Bank to the City pursuant to the Contract in an aggregate principal amount not to exceed $3,225,000, such amount to be repaid by the City to the Bank as provided in the Contract. The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the City Manager, the City Attorney, the Chief Financial Officer and the City Clerk or their respective designees (each a *"Designated Representative"*), individually or collectively, are authorized, empowered and directed to execute and deliver the

Contract for and on behalf of the City, including necessary counterparts, in substantially the form made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract, each Designated Representative is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. ***Further Actions.*** Each Designated Representative is hereby designated as the City's representatives to act on behalf of the City in connection with the transactions contemplated by the Contract, and the Designated Representatives are authorized and directed to proceed with the Projects in accordance with the terms of the Contract, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Designated Representatives are hereby authorized to designate one or more employees of the City to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Contract. The Designated Representatives are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Contract or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 4. ***Repealer.*** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 5. ***Severability.*** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. ***Effective Date.*** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bourleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-107

RESOLUTION AUTHORIZING THE PRIVATE SALE OF CITY- OWNED REAL PROPERTY LOCATED ON PISGAH VIEW ROAD

WHEREAS, N.C. Gen. Stat. Sec. 160A-279 authorizes the City to convey by private sale an interest the City has in real property to an entity carrying out a public purpose; and

WHEREAS, N. C. Gen. Stat. Sec. 160A-267, requires City Council, when proposing to dispose of an interest in real property by private sale, to adopt a resolution or order authorizing the disposal at a regular council meeting; and

WHEREAS, the City owns approximately 16 acres of real property located on Pisgah View Road, more particularly identified on the Buncombe County tax map as PIN No. 9628.16-9767-00000 (DB 4722 at Page 1215) and PIN No. 9628.27-4164-00000 (DB 4724 at Page 711); and

WHEREAS, Asheville Area Habitat for Humanity (herein "Habitat" a non-profit) has delivered to the City of Asheville a letter of intent requesting to purchase said property for the sum of $458,300 and;

WHEREAS, both parcels are to be specifically restricted at conveyance to be used to develop approximately 55 single-family homes which will be affordable to and sold to families with income below 80% of area median income, adjusted for family size and such provision of affordable housing is considered by Council to be a public purpose;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to execute documents and convey to Asheville Area Habitat for Humanity by private sale the City's interest in the real property located on Pisgah View Road, upon the approval of the City Attorney;

2. The City Clerk is hereby authorized to publish a notice summarizing the contents of this resolution once after its adoption in a newspaper of general circulation within the City, and no sale shall be consummated hereunder until 10 days after publication of such notice.

Read, approved and adopted the 9th day of June, 2015.

Magdalen Boulson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 15- 108

RESOLUTION WAIVING FEES AND CHARGES ASSOCIATED WITH THE PRODUCTION OF THE BLUE RIDGE PARKWAY QUARTER RELEASE EVENT AT PACK SQUARE PARK 'S ROGER MCGUIRE GREEN

WHEREAS, the City of Asheville has identified the significant value of a partnership with the National Park Service/Blue Ridge Parkway; and

WHEREAS, the National Park Service/Blue Ridge Parkway has identified the City of Asheville and Pack Square Park as an ideal location best suited to represent an event of broad appeal and public interest; and

WHEREAS, the Blue Ridge Parkway Quarter Release event is a community celebration that is free and open to the public, provides opportunity for citizen engagement, education, social connectedness which serve as indicators that contribute to a high quality of life;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville is honored to partner with the National Park Service/Blue Ridge Parkway on the United States Mint America the Beautiful Quarters® program.

2. The City Manager is hereby authorized to waive a maximum value of $1,007.00 in permit fees and in-kind support for the production of the Blue Ridge Parkway Quarter Release event at Pack Square Park's Roger McGuire Green.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15-109

RESOLUTION AMENDING THE 2015 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The August 11, 2015, City Council formal meeting is hereby cancelled.

Read, approved and adopted this 9th day of June, 2014.

Magdalen Bowleson
CITY CLERK

Edwin G. Mc
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15- 110

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 5 WALNUT ANNIVERSARY PARTY ON THE DATE OF WEDNESDAY, JUNE 17, 2015 FROM 5:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the 5 Walnut Anniversary Party.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the 5 Walnut Anniversary Party event area, as set forth on Exhibit A, attached.

   The 5 Walnut Anniversary Party event area is within the boundaries of Walnut Street between the intersections of Broadway and Carolina Lane.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the 5 Walnut Anniversary Party on Wednesday, June 17, 2015 from 5:00 p.m. to 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages

and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the 5 Walnut Anniversary Party event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the 5 Walnut Anniversary Party event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the 5 Walnut Anniversary Party, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Burleson
City Clerk

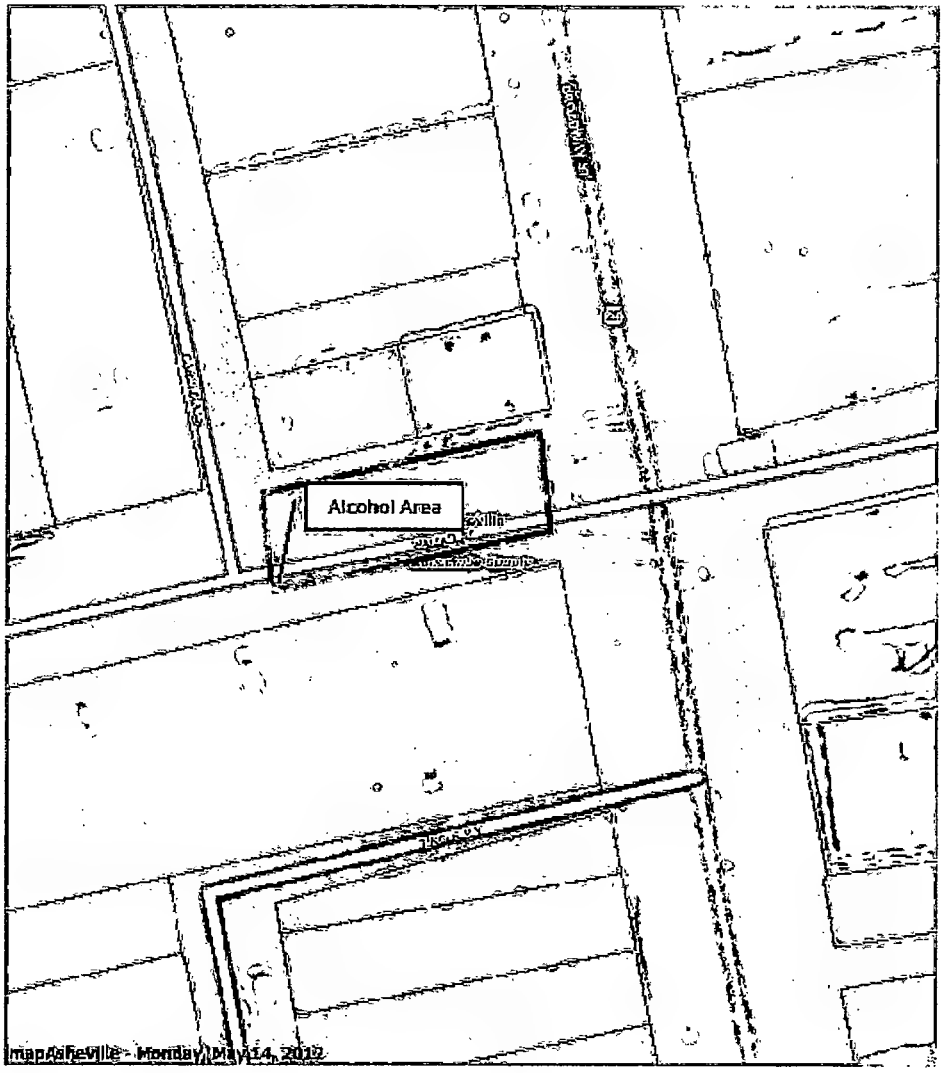
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A



152

RESOLUTION NO. 15- 111

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INGLES INDEPENDENCE DAY CELEBRATION ON THE DATE OF FRIDAY, JULY 4, 2015 FROM 11:00 AM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Ingle's Independence Day Celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Ingle's Independence Day event area, as set forth on Exhibit A, attached.

   The Ingle's Independence Day event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Ingle's Independence Day Celebration on Friday, July 4, 2015 from 11:00 a.m. to 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Ingle's Independence Day Celebration event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Ingle's Independence Day Celebration event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Ingle's Independence Day Celebration, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bourleson
City Clerk

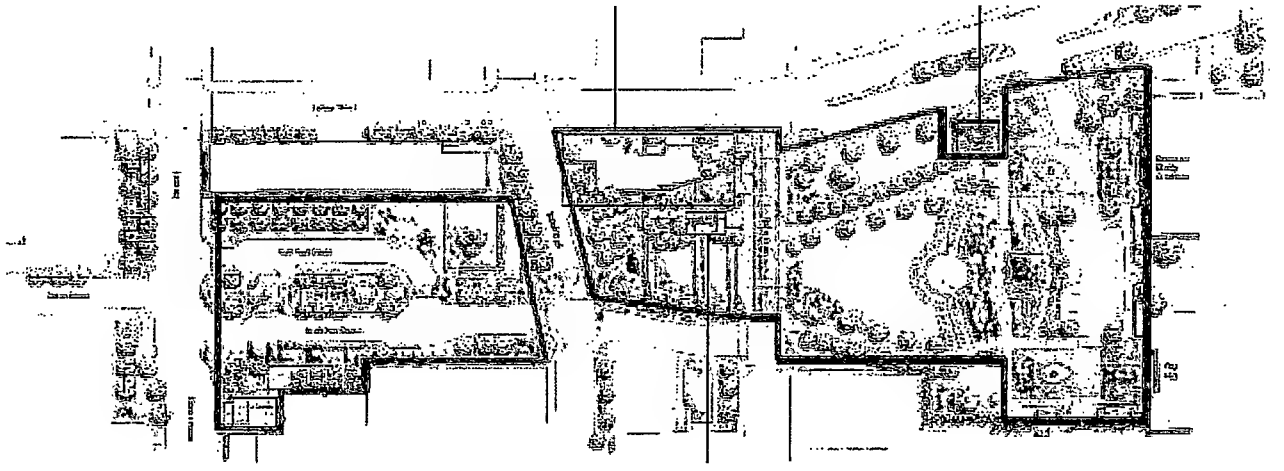
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

Exhibit A



Alcohol Area

RESOLUTION NO. 15- 112

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT LEAF DOWNTOWN ON THE DATES OF SATURDAY, AUGUST 1, 2015 FROM 12:00 PM – 10:00 PM AND SUNDAY, AUGUST 2, 2015 FROM 12:00 PM – 8:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at LEAF Downtown.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the LEAF Downtown event area, as set forth on Exhibit A, attached.

   The LEAF Downtown event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for LEAF Downtown on Saturday, August 1, 2015 from 12:00 p.m. to 10:00 p.m. and Sunday, August 2, 2015 from 12:00 p.m. to 8:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the LEAF Downtown event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the LEAF Downtown event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of LEAF Downtown, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Burleson
City Clerk

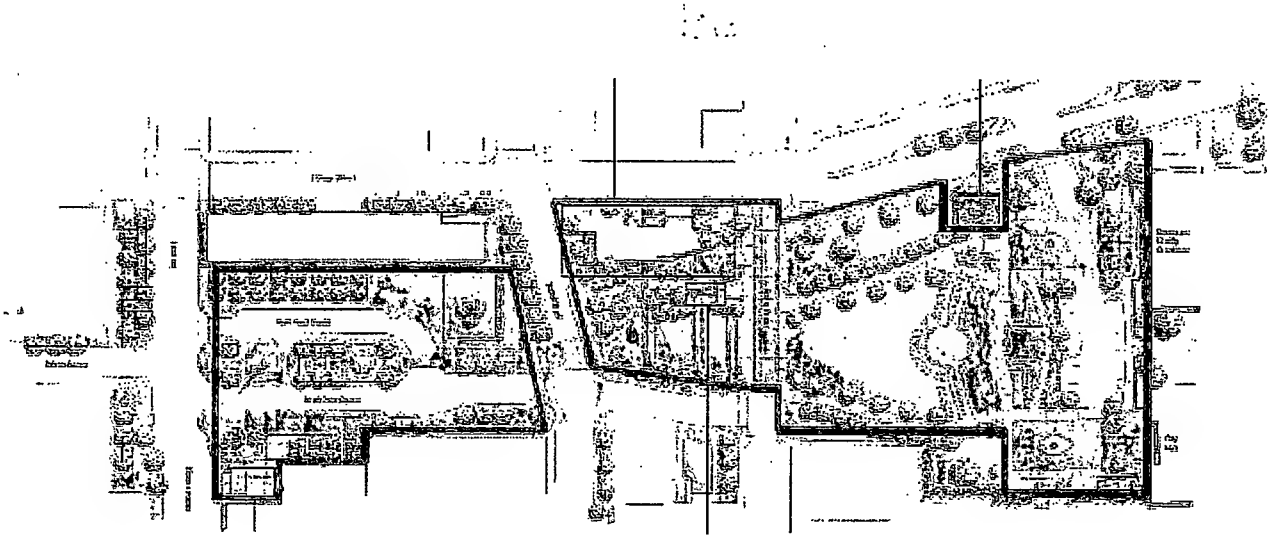
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A



Alcohol Area

158

RESOLUTION NO. 15- 113

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT RIVERFEST ON THE DATE OF SATURDAY, AUGUST 8, 2015 FROM 1:00 PM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Riverfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Riverfest event area, as set forth in Exhibit A, attached.

   The Riverfest event area is within the boundaries of French Broad River Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Riverfest on Saturday, August 8, 2015 from 1:00 p.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Riverfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be

allowed in the Riverfest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Riverfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bullman
City Clerk

Mayor

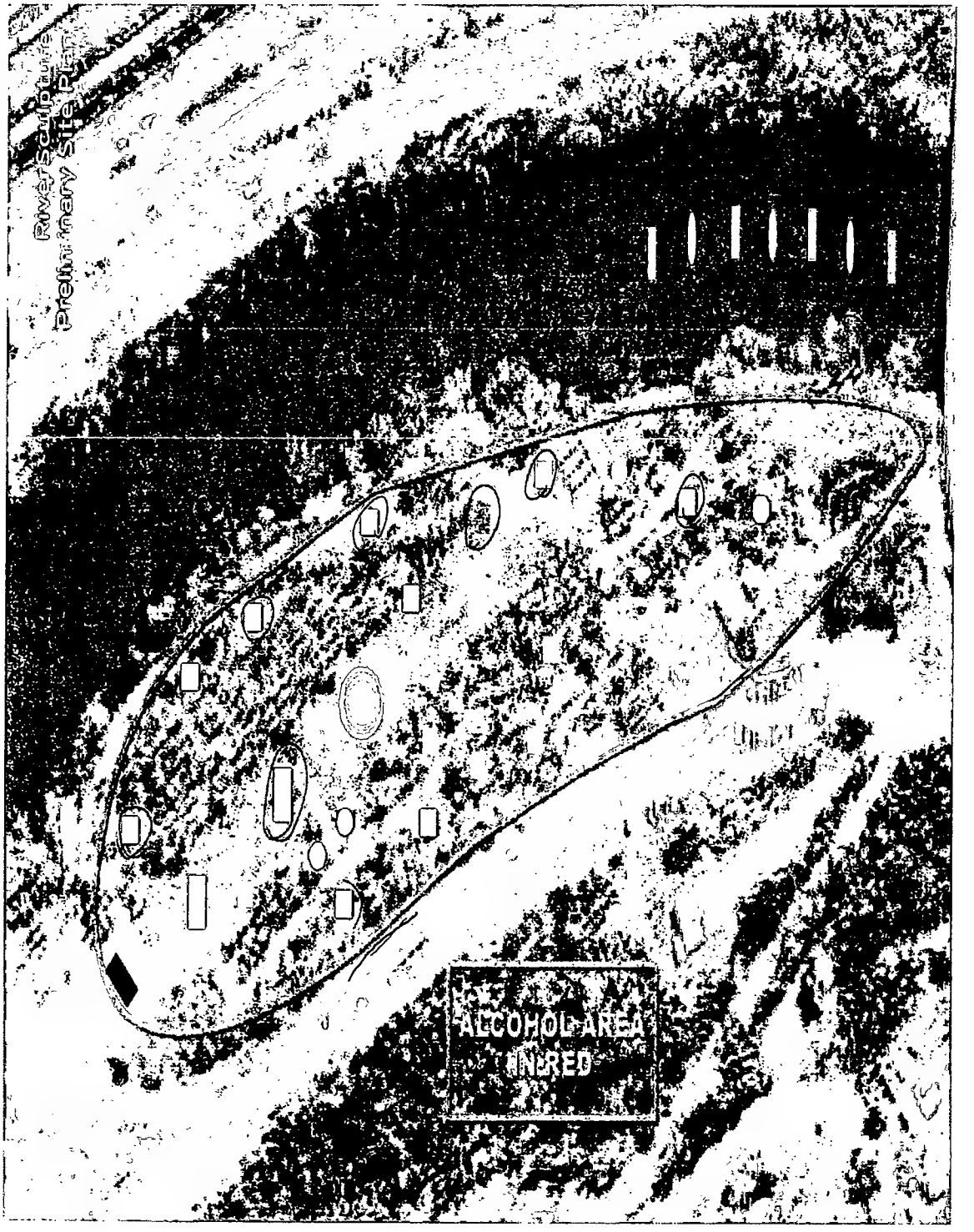
Approved as to form:

City Attorney

Magdalen Bullman
City Clerk

160

Exhibit A



RESOLUTION NO. 15- 114

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON THE DATE OF SEPTEMBER 6, 2015 FROM 12:00 PM – 11:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Cup.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Cup event area, as set forth in Exhibit A, attached.

   The Beer City Cup event area is within the boundaries of Memorial Stadium facility.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Cup on Sunday, September 6, 2015 from 12:00 PM – 11:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Beer City Cup event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be

allowed in the Beer City Cup event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Beer City Cup, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bullock
City Clerk

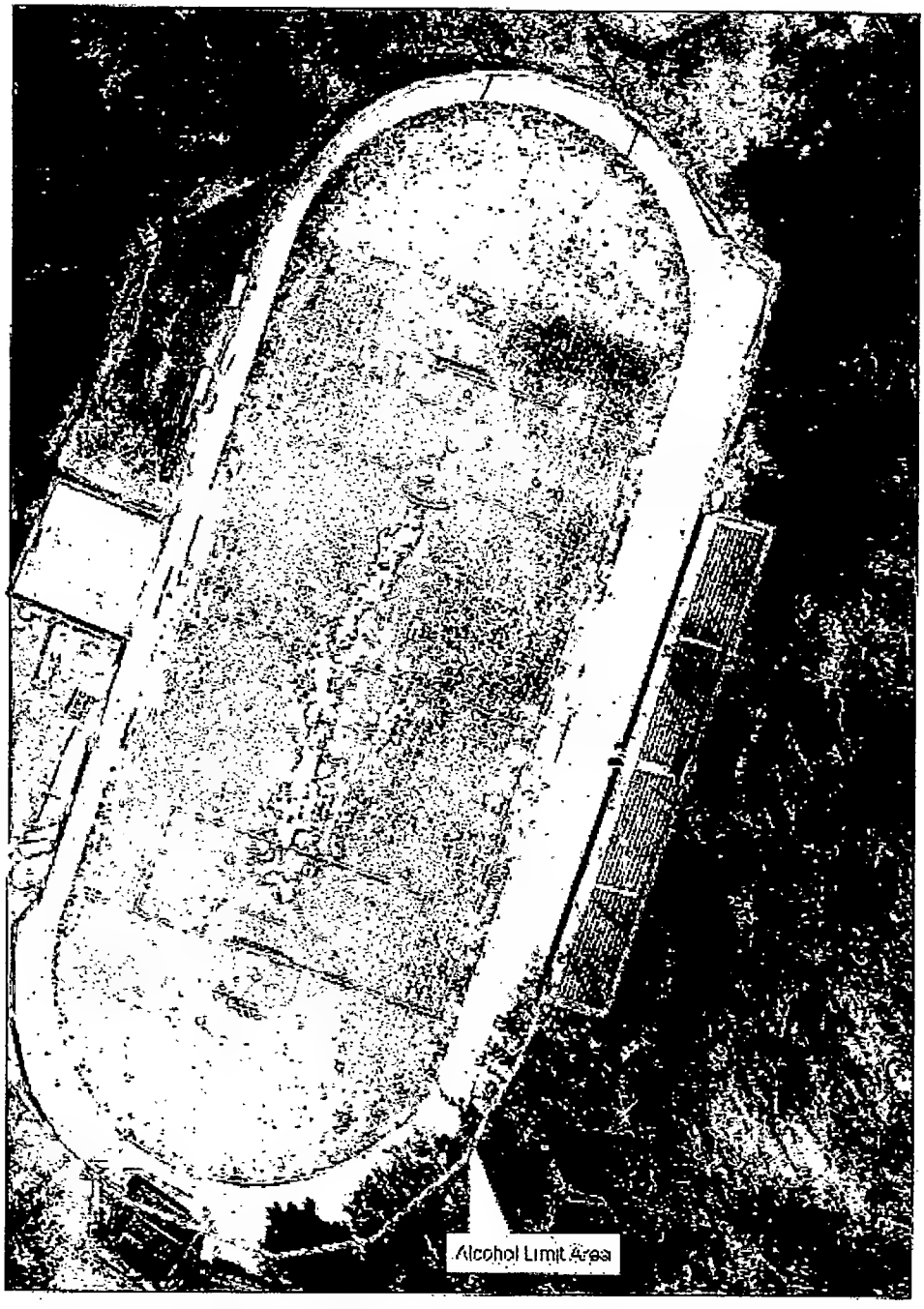
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

Exhibit A



Memorial Stadium

164

RESOLUTION NO. 15- 115

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGFEST ON THE DATE OF SUNDAY, AUGUST 16, 2015 FROM 12:00 PM – 5:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Asheville VegFest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville VegFest event area, as set forth in Exhibit A, attached.

   The Asheville VegFest event area is within the boundaries of Pack Square Park's Roger McGuire Green and Reuter Terrace, including South Spruce Street between the intersections of South Pack Square and College Street, and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville VegFest on Sunday, August 16, 2015 from 12:00 p.m. – 5:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville

VegFest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed the Asheville VegFest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville VegFest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bulleson
City Clerk

Mayor

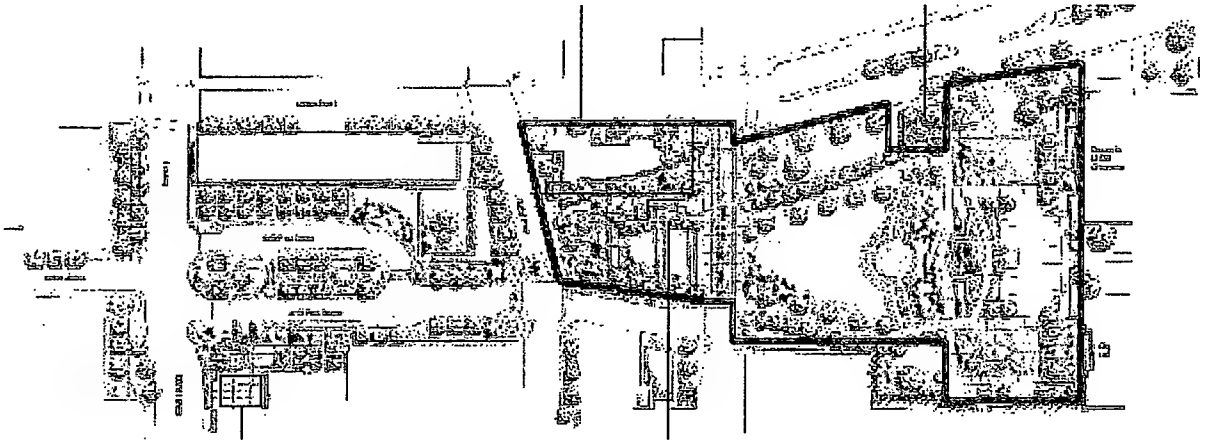
Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

166

Exhibit A



Alcohol Area

RESOLUTION NO. 15- 116

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CLIPS BEER & FILM TOUR ON THE DATE OF FRIDAY, SEPTEMBER 4, 2015 FROM 6:30 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Clips Beer & Film Tour.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Clips Beer & Film Tour event area, as set forth in Exhibit A, attached.

   The Clips Beer & Film Tour event area is within the boundaries of Pack Square Park's Roger McGuire Green and Reuter Terrace, including South Spruce Street between the intersections of South Pack Square and College Street, and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Clips Beer & Film Tour event on Friday, September 4, 2015 from 6:30 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum

cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Clips Beer & Film Tour event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed the Clips Beer & Film Tour event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Clips Beer & Film Tour, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bowerson
City Clerk

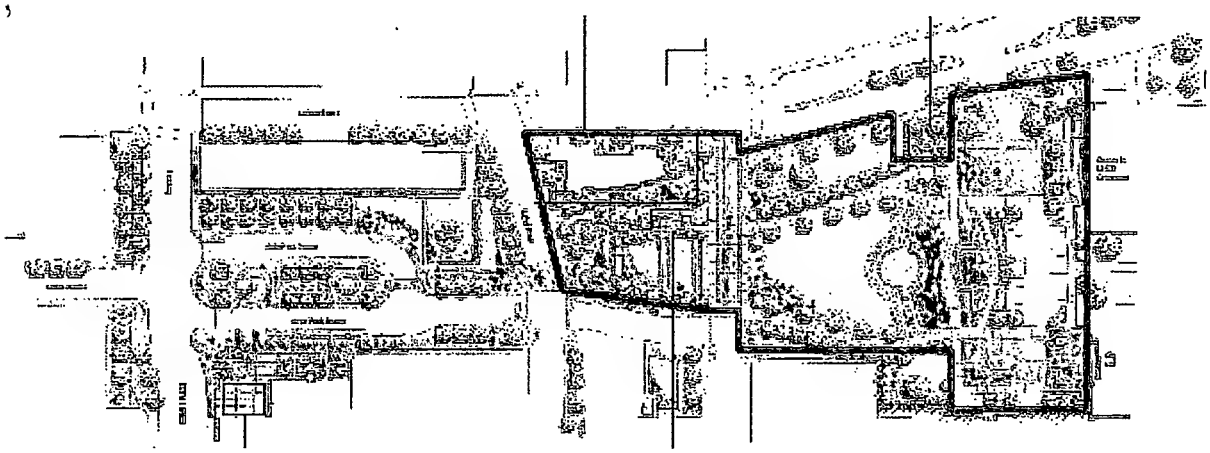
John E. Mahr
Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

Exhibit A



Alcohol Area

170

RESOLUTION NO. 15- 117

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE RUNNING EXPERIENCE ON THE DATE OF SATURDAY, SEPTEMBER 5, 2015 FROM 8:00 AM – 8:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Running Experience.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Running Experience event area, as set forth in Exhibit A, attached.

   The Asheville Running Experience event area is within the boundaries of Coxe Avenue between the intersections of Banks Avenue and Hilliard Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Running Experience event on Saturday, September 5, 2015 from 8:00 a.m. – 8:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt

beverages and/or unfortified wine are not allowed anywhere in the Asheville Running Experience event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed the Asheville Running Experience event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville Running Experience, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Burleson
City Clerk

Mayor

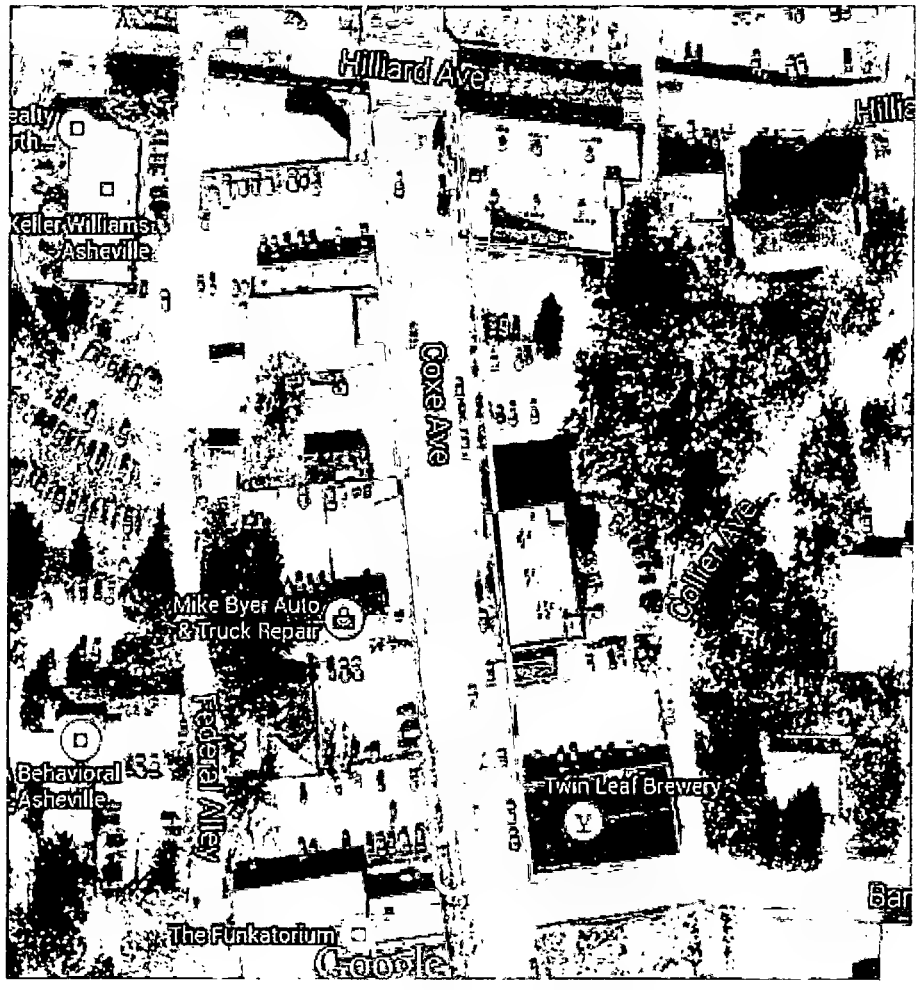
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

172

Exhibit A



Alcohol Area

RESOLUTION NO. 15-118

RESOLUTION TO ESTABLISH GOALS FOR THE PRODUCTION OF AFFORDABLE HOUSING PRODUCTION GOALS

WHEREAS, the City and region face a current and projected shortage of affordable housing; and

WHEREAS, the City has developed a Comprehensive Affordable Housing Strategy to guide the City's efforts in helping address this shortage; and

WHEREAS, the City has dedicated financial resources, land resources and regulatory tools that it makes available for the purpose of assisting affordable housing production ; and

WHEREAS, the City seeks to establish goals for the production of affordable housing that are both realistically attainable and aspirational; and

WHEREAS, an analysis of the current and estimated projected production of affordable housing has been conducted;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville hereby establishes an affordable housing production of 2,800 units to be attained by the end of the 2021 fiscal year; and

2. The City Manager is hereby supported in directing staff to use the tools and resources available now, and to seek additional tools and resources, to accomplish these goals; and

3. The City Manager shall report to Council annually about the City's progress in attaining the affordable housing goals herein established.

Read, approved and adopted the 9th day of June, 2015.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

174

RESOLUTION NO. 15- 119

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH B. ALLEN CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE KENILWORTH PARK RENOVATIONS

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, The City has determined the existing sports courts, retaining walls, steps, parking, and sports equipment at the Kenilworth Park has exceeded its life expectancy, is in poor condition, and poses safety hazard for users; and

WHEREAS, the City has identified the need for renovation and has planned to complete the project under the general capital improvement fund for Parks & Recreation Department; and

WHEREAS, the Kenilworth Park renovations will provide improved performance through ongoing care and maintenance of facilities as identified in the Parks, Recreation Cultural Arts, & Greenway Master Plan; and

WHEREAS, B. Allen Construction, Inc. was selected as the lowest, responsible bidder as part of an Advertisement for Bids process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with B. Allen Construction, Inc. for not to exceed $298,884 for the construction of the Kenilworth Park renovations and further authorized to execute any change orders to said contract or documents which may arise during construction of said project within the approved budget.

Read, approved and adopted this the 9th day of June, 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-120

RESOLUTION APPOINTING CHAIR TO THE CIVIL SERVICE BOARD

WHEREAS, it is the responsibility of City Council to annually appoint the Chair of the Civil Service Board; and

WHEREAS, the term of the current Chair Alan Coxie expires on June 25, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Alan Coxie, Post Office Box 1261, Asheville, N.C., be and he is hereby reappointed as Chairman of the Civil Service Board to serve a one-year term until his successor is duly appointed or until his term on the Civil Service Board expires, whichever occurs first.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Burleson
CITY CLERK

Edwin E. Minter
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

176

RESOLUTION NO. 15-121

RESOLUTION AUTHORIZING THE APPROVAL OF THE 2015-16 STRATEGIC PARTNERSHIP FUND GRANTS

WHEREAS, NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the award of Strategic Partnership Fund Grants, as recommended by the Housing and Community Development Committee as follows:

   Asheville Design Center - $4,000
   Blue Ridge Food Ventures - $25,000
   Children First/Communities in Schools - $20,000
   Homeward Bound of WNC - $28,400
   Pisgah Legal Services - $9,000
   YWCA - $12,000

2. Council authorizes the City Manager to sign all contracts and grant, after approval by the City Attorney, with designated agencies for the implementation of the Strategic Partnership Grants.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Burleson
CITY CLERK

Edwin C. Hunter
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-122

RESOLUTION APPOINTING A MEMBER TO THE CITY-COUNTY AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, the term of Marvin Chambers, as a member on the City-County African American Heritage Commission expires on July 1, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Marvin D. Chambers, 2 Lakewood Drive, Asheville, N.C., be and he is hereby reappointed as a member to the City-County African American Heritage Commission, to serve a three-year term, term to expire July 1, 2018, or until his successor has been appointed.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson

178

RESOLUTION NO. 15-123

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ELECTRICAL EXAMINERS

WHEREAS, the terms of Tommy Wilson, Phil Wilson, David Martin, Gus Sims and Ken Frisbee, as members on the Board of Electrical Examiners, expire on July 1, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Mr. George Grigg, Post Office Box 64, Flat Rock, N.C., be and he is hereby appointed (as the electrical contractor) to serve a three year term, term to begin on July 1, 2015, and expire July 1, 2018, or until his successor has been duly appointed.

2. Mr. Charlie Wheeler, 2750 Bull Creek Road, Marshall, N.C., be and he is hereby appointed (as the journeyman electrician) to serve a three year term, term to begin on July 1, 2015, and expire July 1, 2018, or until his successor has been duly appointed.

3. Mr. David Martin, 555A Brevard Road, Asheville, N.C., be and he is hereby reappointed (as the utility representative) to serve an additional three year term, term to expire July 1, 2018, or until his successor has been duly appointed.

4. Mr. Gus Sims, Post Office Box 18263, Asheville, N.C., be and he is hereby reappointed (as a licensed engineer) to serve an additional three year term, term to expire July 1, 2018, or until his successor has been duly appointed.

5. Mr. Ken Frisbee, 1204 Abbey Circle Asheville, N.C., be and he is hereby reappointed (as the layman) to serve a three year term, term to expire July 1, 2018, or until his successor has been duly appointed.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bowlson
CITY CLERK

Edwin G. Marks
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-124

RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, the terms of Joel Storrow, Chris Bubenik and Mike Burke, as members on the Civic Center Commission, expire on June 30, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Joel Storrow, 1 Westview Road, Asheville, N.C., be and he is hereby reappointed to the Civic Center Commission, to serve an additional three year term, term to expire June 30, 2018, or until his successor has been appointed.

Mr. Chris Bubenik, 82 Green Oak Road Asheville, N.C., be and he is hereby reappointed to the Civic Center Commission, to serve an additional three year term, term to expire June 30, 2018, or until her successor has been appointed.

Mr. Greg Duff, 46 Kensington Drive, Asheville, N.C., be and he is hereby appointed to the Civic Center Commission, to serve a three year term, term to begin on June 30, 2015, and expire June 30, 2018, or until his successor has been appointed.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

180

RESOLUTION NO. 15-125

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE DOWNTOWN COMMISSION

WHEREAS, Bruce Hazzard has resigned as a member on the Asheville Downtown Commission, thus leaving an unexpired term until December 31, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Brent Campbell, 48 Curve Street, Asheville, N.C., be and he is hereby appointed as a member of the Asheville Downtown Commission, to serve the unexpired term of Mr. Hazzard, term to expire December 31, 2015, or until his successor has been appointed.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-126

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, the terms of William Eakins and Tracey Rizzo, as members of the Asheville-Buncombe Historic Resources Commission, expire July 1, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. William Eakins, Post Office Box 890, Asheville, North Carolina, be and he is hereby reappointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve a three-year term, term to expire on July 1, 2018, or until his successor has been appointed.

Ms. Tracey Rizzo, 45 Woodvale Avenue, Asheville, North Carolina, be and she is hereby reappointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve an additional three-year term, term to expire on July 1, 2018, or until her successor has been appointed.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bamberson
CITY CLERK

Edwin G. Mu
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bamberson
City Clerk

182

RESOLUTION NO. 15-127

RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, the terms of Julie Mayfield (representing the Transit Committee), Mary Weber (representing the Greenway Committee); and Don Kostelec (representing the Bike & Pedestrian Task Force), as members on the Multimodal Transportation Commission, will expire on July 1, 2015; and

WHEREAS, the currently exists a vacancy left by Mr. Robert Roepnack, who represents the Neighborhood Advisory Committee, until July 1, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Julie Mayfield, 109 Estes Court, Asheville, N.C., be and she is hereby reappointed, as a member of the Multimodal Transportation Commission (representing the Transit Committee), to serve a three-year term, term to expire July 1, 2018, or until her successor has been appointed.

(2) Ms. Mary Weber, 131 Evelyn Place, Asheville, N.C., be and she is hereby reappointed, as a member of the Multimodal Transportation Commission (representing the Greenway Committee), to serve a three-year term, term to expire July 1, 2018, or until her successor has been appointed.

(3) Mr. Don Kostelec, 13 Brucemont Place, Asheville, N.C., be and he is hereby reappointed, as a member of the Multimodal Transportation Commission (representing the Bike & Pedestrian Task Force), to serve a three-year term, term to expire July 1, 2018, or until his successor has been appointed.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bullen
CITY CLERK

Edwin G. Marler
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullen
City Clerk

RESOLUTION NO. 15-128

RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the terms of Spencer Hardaway, Saul Chase and Joe Fioccola, as members on the Neighborhood Advisory Committee, expire on July 1, 2015; and

WHEREAS, Robert Roepnack has resigned as a member on the Neighborhood Advisory Committee, thus leaving an unexpired term until July 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Rev. Spencer Hardaway, 82 Pebble Creek Drive, Asheville, N.C., be and he is hereby reappointed to serve a three-year term (representing the 28803 or 28704 zip code), term to expire July 1, 2018, or until his successor has been appointed.

Ms. Greta Bush, 49 Pleasant Ridge Drive, Asheville, N.C., be and she is hereby reappointed to serve a three-year term (at-large representative), term to begin July 1, 2015, and expire July 1, 2018, or until her successor has been appointed.

Mr. Joe Fioccola, 34 Girdwood Street, Asheville, N.C., be and he is hereby reappointed to serve a three-year term (representing 28801 zip code), term to expire July 1, 2018, or until her successor has been appointed.

Mr. Philip Lenowitz, 111 Lakeshore Drive, Asheville, N.C., be and he is hereby reappointed to serve a three-year term (representing 28804 zip code), term to expire July 1, 2018, or until his successor has been appointed.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bullion
CITY CLERK

Edwin C. Mahr
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 15-129

RESOLUTION APPOINTING MEMBERS TO THE NOISE ORDINANCE APPEALS BOARD

WHEREAS, the terms of Beau Dean (Regular member) and Elizabeth Franks (Alternate member) on the Noise Ordinance Appeals Board expire July 1, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Robert Glenn, 41 Cumberland Circle, Asheville, N.C., be and he is hereby appointed as an Alternate member to the Noise Ordinance Appeals Board to serve a three-year term, term to begin July 1, 2015, and term to expire July 1, 2018, or until his successor has been appointed.

Mr. Tod Leaven, 55 Ramoth Road, Asheville, N.C., be and he is hereby appointed as a Regular member to the Noise Ordinance Appeals Board to serve a three-year term, term to begin July 1, 2015, and term to expire July 1, 2018, or until his successor has been appointed.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bullman
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullman
City Clerk

RESOLUTION NO. 15-130

RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, the terms of Sharon Trammel, Robert Todd and Constance Richards, as members on the Public Art & Cultural Commission, will expire on June 30, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Sharon Trammel, 405 Windswept Drive, Asheville, N.C., be and she is hereby reappointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to expire June 30, 2018, or until her successor has been appointed.

(2) Ms. K. Johnson Bowles, 55-1/2 Haywood Street, Asheville, N.C., be and she is hereby appointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to begin on June 30, 2015, and expire on June 30, 2018, or until her successor has been appointed.

(3) Ms. Constance Richards, 171 Pearson Drive, Asheville, N.C., be and she is hereby reappointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to expire June 30, 2018, or until her successor has been appointed.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Burleson
CITY CLERK

Edwin C. Mu
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson

186

RESOLUTION NO. 15-131

RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

WHEREAS, the terms of Barry Mundt, Forest Merithew, Robert Pierce, Hutch Kerns and Ashley Arrington, as members on the Recreation Board, will expire on June 30, 2015; and

WHEREAS, Josh O'Conner and Patrick Dennehy have resigned from the Commission, thus leaving two unexpired terms until June 30, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Barry Mundt, 175 Windsor Road, Asheville, N.C., be and he is hereby reappointed, as a member of the Recreation Board, to serve an additional three-year term, term to expire June 30, 2018, or until his successor has been appointed.

(2) Mr. Forest Merithew, 62 Pine Grove Avenue, Asheville, N.C., be and he is hereby appointed, as a member of the Recreation Board, to serve a three-year term, term to expire June 30, 2018, or until his successor has been appointed.

(3) Mr. Robert Pierce, 12 Munn Drive, Asheville, N.C., be and he is hereby reappointed, as a member of the Recreation Board, to serve a three-year term, term to expire June 30, 2018, or until his successor has been appointed.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Bourleson
CITY CLERK

Edwin C. Miller
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-132

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS UNDER THE BUREAU OF JUSTICE ASSISTANCE OF THE DEPARTMENT OF JUSTICE

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants and to enter into contracts for the administration of said grants; and

WHEREAS, the US Department of Justice (DOJ), has awarded the City of Asheville the amount of $50,434 through the Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) programs for the purchase of Tasers and equitable distribution of funds to Buncombe County Sheriff's Office;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the US Department of Justice, for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $50,434. APD will spend $38,322 for the purchase of Tasers, while BCSO will be awarded $12,112.

Read, approved, and adopted this 9th day of June, 2015

Magdalen Bullson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bullson

188

RESOLUTION NO. 15-133

RESOLUTION ADOPTING A POLICY FOR PREQUALIFICATION OF BIDDERS FOR CONSTRUCTION PROJECTS

WHEREAS, Session Law 2014-42, amended NCGS §143-135.8 and NCGS §143-128.1, to provide general authorization to local governments to prequalify contractors for construction or repair projects that are bid under the single-prime, separate-prime (multi-prime), or dual bidding methods as well as the first tier subcontractors on Construction Manager at Risk projects; and

WHEREAS, Session Law 2014-42, requires that prior to advertisement of the contract for which the governmental entity intends to prequalify bidders, that the City Council adopt an objective prequalification policy to ensure uniformity, consistency and transparency in its application to all bidders; and

WHEREAS, a policy for prequalification of bidders for construction projects as authorized by Session Law 2014-42, was prepared by the City's Purchasing Division and Legal Department and distributed to the affected City Departments with favorable responses; and

WHEREAS, staff recommend that City Council adopt the City of Asheville Policy for Prequalification of Bidders for Construction Projects;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville Policy for Prequalification of Bidders for Construction Projects is hereby adopted.

Read, approved and adopted this the 23rd day of June, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE
POLICY FOR PREQUALIFICATION OF BIDDERS FOR CONSTRUCTION PROJECTS

A. PURPOSE

1. The purpose of this policy is to define a prequalification process that complies with the requirements of NCGS §143-135.8, which allows prequalification of bidders for a particular construction and repair project. The policy is to impartially and objectively evaluate a contractor, and to properly determine by its responsible business practices, work experience, manpower, and equipment that it meets the minimum qualifications to bid on a construction project. The award of contracts shall be the result of open competition in bidding; impartiality in the selection of contractors; integrity in business practices; and skillful and safe performance of public contracts.

   This policy is only applicable to specific construction projects as follows:

   a) Single-prime, separate-prime, or dual-bidding methods as defined in NCGS §143-128(a1)(1) through 143-128(a1)(3).
   b) First tier sub-contractors for Construction Manager at Risk contracts as defined in NCGS §143-128.1.

2. Prequalification may not be used for the selection of any qualification-based services, such as architectural, engineering, surveying, design-build services and the selection of a CM at Risk, under Article 3D of Chapter 143 of the North Carolina General Statutes.

3. Notwithstanding the fact that a contractor was prequalified to bid on a specific project, the City reserves the right to reject a contractor's bid on that same project if it is determined that the contractor has not submitted the lowest responsible and responsive bid.

   a) The prequalification of the contractor shall not preclude the City from subsequently concluding that the contractor is not a responsible bidder pursuant to NCGS §143-129.
   b) All construction and repair contracts shall be awarded to the lowest responsive and responsible bidder, taking into consideration quality, performance and the time specified in the bids for the performance of the contract.
   c) The prequalification of a contractor for a project shall only apply to the individual project.
   d) A bidder shall be deemed nonresponsive if it submits a bid on a construction project subject to prequalification, for which it has not been deemed prequalified in accordance with this policy.

B. DEFINITIONS

1. ***Project Manager***: An employee or consultant responsible for the administration of a construction or repair project who is assigned the responsibility for managing the project and representing the department in matters relating to the project and tasked with the responsibilities of developing assessment criteria and assessment tool consistent with this policy.

2. ***Construction Manager at Risk***: A person, corporation, or entity that provides construction management at risk services. May also be referred to as Construction Manager.

3. ***Prequalification***: A process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to the faithful performance of a contract for construction or repair work.

4. ***Purchasing Manager***: Person in the Finance Department responsible for the overall conduct and oversight of all procurement activities of the City. This person shall oversee the appeal process.

5. ***Purchasing Manager Designee:*** A person designated by the Purchasing Manager, to attend all prequalification meetings for the sole purpose of ensuring procedural compliance with this policy.

6. ***Prequalification Committee:*** A committee established by the Project Manager and/or the Construction Manager at Risk for each project, and tasked with the responsibility of evaluating applications for prequalification.

C. PREQUALIFICATION PROCESS

1. The process for prequalification shall begin with an advertisement from the City requesting qualifications. Such notice shall be posted on the North Carolina Interactive Purchasing System (IPS) web site and the City of Asheville's bid page. This notice shall be posted a minimum of 10 full days.

2. Prior to advertising, the Project Manager shall develop an objective assessment application form as follows:

    a. The application form shall be uniform, consistent, and transparent in its application to all bidders.
    b. Each firm shall use the approved prequalification application form in order to be considered for prequalification to bid on the project.
    c. The criteria used for assesment, must be rationally related to construction repair work.
    d. Firms shall not be required to have been previously awarded a construction or repair project by the City.
    e. At a minimum, the criteria listed in Section D shall be included in the prequalification application form.
    f. In addition to developing criteria for assessment, there shall be an assessment tool to evaluate the responses from the firm. This tool shall

indicate the prequalification scoring values and the minimum required score for prequalification to bid on the project.

3. Construction Manager at Risk projects shall use the process outlined in this policy for the selection of their first tier subcontractors. The Construction Manager at Risk and Project Manager shall jointly develop the assessment application form and assessment tool.

4. The Project Manager shall ensure that applications prepared for the project comply with this Policy and State law. The application is to be submitted by the deadline established in the notice of prequalification. The act of submitting the application does not permit the firm to submit a bid.

D. CRITERIA OF THE APPLICATION

The application shall, at a minimum, address the following criteria:

1. ***Organizational Structure***:
   a. The firm shall provide all names under which it does business, describe how the company is organized, the date of organization and if incorporated, the state of incorporation.
   b. Firms that are a partnership must describe the partnership details and if a Joint Venture (JV) provide a copy of the JV agreement.
   c. Firms must also provide a list of all owners, officers, partners, or individuals authorized to represent or conduct business for or sign legal documents for the firm. This list must include the full legal name, typed or printed in a clear legible form.
   d. The Firm shall also state the location of the office that will be primarily responsible for administering the work associated with the project for which this prequalification is requested.
   e. Firms experiencing changes in ownership, affiliation, organizational structure, or material changes in assets must inform the Project Manager in writing prior to the award of a contract. Failure of the firm to comply with this requirement may result in the termination of any contract awarded by the City.
   f. The firm shall also state how long it has been in business in its current organizational structure, whether the firm itself or any of its owners, officers, partners or individuals authorized to represent, conduct business or sign legal documents for the firm or any other firm or legal entity have been debarred, suspended, or otherwise prohibited from receiving federal, state, or local funds within the five years preceding the date of the Notice of Prequalification.

2. ***Classification***: The firm shall be required to provide proof that it has a North Carolina General Contractor's License and any other professional license(s) required to perform on the contract, or provide a statement indicating that they will be able to acquire all necessary licenses before submitting a bid on a project.

If a statement is required, the firm shall identify the states in which they are licensed for this type of work.

3. ***Experience***:
   a. The firm shall furnish a history documenting experience with projects of similar size, scope, or complexity involving the type(s) of work for which prequalification is requested.
   b. Firms must also furnish a Resume detailing the history of experience in projects of similar size, scope or complexity and of its supervisory personnel that will be directly responsible for the work.

4. ***Financial:***
   a. Firms will be required to submit one to three years of audited financial statements to demonstrate their ability to meet the required financial obligations in the performance of the contract. Firms that do not have audited financial statements will be required to submit copies of their filed Federal Income Tax Returns for the same period or their balance sheet and income statement on company letterhead for the same period.
   b. The specific financial requirements that must be demonstrated will be set forth in the Prequalification Application.

5. ***Insurance:*** Evidence that the company can provide the required insurance coverage.

6. ***Litigation/Claims***:
   a. The firm will be required to submit information regarding its litigation and claims history, including litigation with owners and subcontractors.
   b. Minimum thresholds will be set for each contract for the amount of claims or the potential liability of unresolved lawsuits that the firm may have outstanding within the previous three years.

7. ***Timeliness***:
   a. Firms must provide a history of one to five years of all similar projects and whether they performed each project on time, and if not, specific information on how late they were in completing each project, and the amount of liquidated damages paid, if any.
   b. Minimum thresholds of timelines will be determined for each project depending on the complexity of the project and the harm that the City will suffer if the project is not completed on time.

8. ***Safety***: Firms shall also demonstrate an acceptable safety history as follows:

   a. Depending upon the nature of the work and the size and complexity of the project, firms will be required to submit one to five years of their safety record, safety training programs, and safety awards earned.
   b. Firms must provide an affidavit summarizing any complaints, safety violations or reports from the North Carolina Code Officials Qualifications Board, OSHA, or any other regulating agency associated

with any construction project within the period of time covered by the safety record.

c. Firms may be required to submit a statement of their Experience Modification Rating Factor.
d. Minimum thresholds of safety requirements will be determined for each contract depending on the complexity of the project and the type of work involved.

E. REVIEW OF APPLICATION

1. Review of Applications:

a. A Prequalification Committee will review each timely received prequalification application to determine whether the required documents are submitted with the application and whether the firm's responses meet all of the minimum thresholds for the criteria set out in the Prequalification Notice.
b. A firm must submit all of the required documents and meet all of the minimum thresholds for each criterion published in the Prequalification Notice to be prequalified to bid on the project.
c. A firm that does not submit all of the required documents or fails to meet all of the minimum thresholds for each criterion in the Prequalification Notice will not be prequalified to bid on the project.
d. The Prequalification Committee shall approve or deny the applications in accordance with the prequalification criteria and scoring system.

2. Notice of Decision:

a. The firms shall be promptly notified in writing of the Prequalification Committee's decision via e-mail.
b. The notification to a firm determined not to be prequalified shall include the reason(s) for denial.
c. Notice shall be provided prior to the advertisement of bids for the project and with sufficient time for the firm to protest the denial of prequalification, and if the denial is reversed, sufficient time for the firm to prepare a bid.

F. PROTEST PROCEDURE

1. ***Initial Protest:*** A firm may protest the denial of prequalification as follows:

a. A written protest must be received by the Purchasing Manager within two business days of notice of denial. The written protest shall clearly identify the project and the Project Manager, clearly articulate the reasons for the protest, and attach any documents or additional information in support of the firm's position.
b. The Purchasing Manager will contact the firm and set up a date and time to discuss the protest.

c. If upon review, the Purchasing Manager determines that the firm meets the criteria for prequalification, the firm shall be notified that it is prequalified to bid on the project and allowed to participate in the bid process. If the Purchasing Manager upholds the denial, the firm shall be notified in writing by e-mail.

2. ***Appeal:*** If the firm desires further review after receiving the decision of the Purchasing Manager, the firm may request an administrative review and final decision by the City Manager/designee as follows:

   a. A written request for administrative review must be received by the City Manager/designee within two business days from the firm's receipt of the decision from the Purchasing Manager.
   b. The request for administrative review shall clearly identify the project and the Project Manager, clearly articulate the reason(s) for the review, and attach any documents or additional information in support of the firm's position.
   c. The City Manager/designee, will contact the firm and set up a date and time for the administrative review. If, upon review, the City Manager/designee, determines that the firm meets the criteria for prequalification, the firm shall be notified that it is prequalified to bid on the project and allowed to participate in the bid process. If the City Manager/designee upholds the denial, the firm shall be notified in writing by e-mail. This decision shall be final.

3. ***General Rules for Protest***: Firms submitting applications shall be provided an e-mail address for communication with the Purchasing Manager during the protest process; and

   a. The firm shall provide at least two e-mail addresses for use by the Purchasing Manager in communicating with the firm.
   b. The bid opening cannot occur until the protest process is completed.
   c. The bid opening must be scheduled in order to allow sufficient time for a bidder that is prequalified as a result of a protest to submit a bid on that project.

RESOLUTION NO. 15-134

RESOLUTION REVISING COMPOSITION OF CITIZEN POLICE ADVISORY COMMITTEE

WHEREAS, in 1991, the Asheville City Council adopted Resolution No. 91-67 which made permanent the Citizen Police Advisory Committee ("CPAC") for the purpose of serving as a liaison between the Asheville Police Department ("APD") and the community; and

WHEREAS, CPAC currently includes an APD Officer – Sergeant in Community Relations as a voting member; and

WHEREAS, the input and counsel provided by a member of the APD can be provided more effectively if that member does so in a non-voting capacity;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The CPAC seat reserved for an APD Officer – Sergeant in Community Relations is converted into a non-voting member who will provide the committee with input and counsel on matters concerning the relationship between the APD and the community.

Read, approved and adopted this 23 day of June, 2015

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 15-135

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ADOPT-A-PARK AGREEMENT WITH JUST FOLKS THAT INCLUDES A WAIVER OF PARK USE AND PERMIT FEES FOR FISCAL YEAR 2015-2016.

WHEREAS, the City of Asheville has entered into an Adopt-a-Park Agreement with Just Folks to promote positive activities that reduce nuisance behaviors in and around the Triangle Park area; and

WHEREAS, the programs and events organized by Just Folks focus on community-building and have improved the appearance of the park, making it more attractive to downtown visitors and community members; and

WHEREAS, Just Folks is providing quality cultural programming and diversity in a city park not generally used for this purpose;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign the Adopt-a-Park agreement with Just Folks to waive park use and permit fees of up to $2,500 for FY 2015-2016 for the use of Triangle Park for community-building events that benefit the Eagle/Market Streets area and the community.

Read, approved and adopted this 23rd day of June, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-136

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHN DAVENPORT ENGINEERING, INC., DBA DAVENPORT, TO DEVELOP THE DESIGN AND CONSTRUCTION DOCUMENTS AND TO PERFORM THE ENVIRONMENTAL REVIEW FOR THE LIVINGSTON COMPLETE STREETS PROJECT FOR THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville has authority pursuant to Article 3, Section 160A-20.1 of the North Carolina General Statutes to enter into contracts with private entities; and

WHEREAS, the City issued a Request for Qualifications (RFQ) to engage an external consultant to develop the design and construction and environmental documents for complete street improvement to Livingston Street and a portion of Depot Street in Asheville, NC; and

WHEREAS, after reviewing the Responses to the RFQ submitted by eleven companies, City staff recommends that the City enter into a contract with John Davenport Engineering, Inc., dba Davenport;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract with John Davenport Engineering Inc. to develop the design and construction documents, including plans, specifications and estimates, and to perform the environmental review for the Livingston Complete Streets project for an amount not to exceed the project budget.

Read, approved and adopted this the 23rd day of June, 2015.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

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RESOLUTION NO. 15-137

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE CONVEYANCE OF REAL PROPERTY LOCATED ON LAKEWOOD DRIVE AND CHILES AVENUE FROM BUNCOMBE COUNTY

WHEREAS, the City of Asheville operates and maintains a park in Kenilworth located between Lakewood Drive and Chiles Avenue known as Lakewood Park; and

WHEREAS, Buncombe County is the listed owner of record of the Property by deed recorded in Deed Book 1371, Page 414 at the Buncombe County Registry; and

WHEREAS, Buncombe County has offered to convey the property known as Lakewood Park to the City of Asheville; and

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute documents and accept the conveyance from Buncombe County real property located at Lakewood Drive and Chiles Avenue (PINs # 9648-93-4502-00000), upon the approval of the City Attorney. Additionally, the Mayor is hereby authorized to execute any and all documents necessary to give full effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 23rd day of June, 2015.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 15-138

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ROGERS GROUP, INC. FOR THE PROJECT KNOWN AS ASPHALT PAVING IMPROVEMENTS – FISCAL YEAR 2015, PROJECT # CPM-14-15-010

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Asphalt Paving Improvements – Fiscal Year 2015, City of Asheville Project # CPM-14-15-010; and

WHEREAS, Rogers Group, Inc. of Nashville, TN was the lowest responsible bidder for the project, and

WHEREAS, Rogers Group Inc. shall provide all labor, materials and equipment for the installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, ADA Ramps and Full Depth Pavement Repair; and

WHEREAS, the amount of the agreement is $1,784,404.42 and the monies have been budgeted in the Capital Projects 2014-2015 Fiscal Year Budget; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute, on behalf of the City of Asheville, a contract in the amount of $1,784,404.42 plus a contingency of 12% ($215,595.58) with Rogers Group, Inc. for the project known as Asphalt Paving Improvements – Fiscal Year 2015, City of Asheville Project # CPM-14-15-010, and further authorized to execute any change orders to said contract which may arise during construction of said project up to the budgeted amount of $2,000,000.00.

Read, approved and adopted this the 23rd day of June, 2015.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 15-139

RESOLUTION AUTHORIZING THE APPROVAL OF 2015-16 STRATEGIC PARTNERSHIP FUND GRANTS

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the award of Strategic Partnership Fund Grants, as recommended by the Housing and Community Development Committee as follows:

One Youth at a Time	$5,000
Partners Unlimited	$5,000
Greenworks	$15,350
Green Opportunities	$17,150
Project Lighten Up	$3,500
Read to Succeed	$4,000

2. Council authorizes the City Manager to sign all contracts and grant, after approval by the City Attorney, with designated agencies for the implementation of the Strategic Partnership Grants.

Read, approved and adopted this 23rd day of June, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-140

RESOLUTION REVISING CITY OF ASHEVILLE ECONOMIC DEVELOPMENT INCENTIVE POLICY

WHEREAS, on September 23, 1997, by Resolution No. 97-175, City Council adopted a newly revised Economic Development Policy; and

WHEREAS, said Policy has guidelines for economic development grants for companies and industries to stimulate private sector investment, economic growth and job creation in the City; and

WHEREAS, the existing Economic Development Incentive Policy uses the Average Weekly Buncombe County Wage as determined by the NC ESC as a criteria to determine the equity and quality of jobs created as a factor in consideration of grants; and

WHEREAS, the City participates in the Living Wage Certification program; and

WHEREAS, the City Council desires to revise the existing Economic Development Incentive Policy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council approves the revision of the Economic Development Incentive Policy to use Median wage of the new jobs created or retained as the criteria for quality job creation/retention; and Asheville City Council establishes a Living Wage benchmark for jobs to be incentivized under the guidelines of this policy.

Read and approved and adopted this 23rd day of June, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

ECONOMIC DEVELOPMENT INCENTIVES POLICY

It is the policy of the City of Asheville to provide economic development grants for companies and industries seeking to relocate and expand business. The Economic Development Incentives Policy is designed to stimulate private sector investment, economic growth and job creation in the City by offering grants consistent with this policy and availability of funds. Moreover, it establishes a consistent manner for the City's participation in the development of business activity which will have a significant and positive effect on the economic health of the community.

The size and scope of the potential grant will be based on a number of factors, including the location of the site; the amount of capital investment in the project; the number of employees and the equity and quality of jobs created. A major component of the grant policy is to create quality, head-of-household jobs that will further stimulate the economy.

This policy consists of three possible economic development initiatives.

I. Industrial Development Grant (IDG)

The IDG program is a contract between the City and a new or existing industry where the City would make a grant to the industry for a period of up to five (5) years based on the amount of new capital investment. The grant is calculated and based upon the actual value, schedule and payment of property taxes. After the industry has "paid in full" its annual City property tax and met all other criteria as outlined in the grant document, the City will pay the industry the annual installment of the grant required in the grant document.

Each project or grant will be analyzed on an individual basis using this policy for guidance. This policy shall be subject to period review by City Council. Changing economic conditions may cause the City Council to modify, amend or even terminate the grant program.

A. Jurisdiction

This program shall apply to private investment that takes place inside the corporate limits of the City of Asheville. A petition for voluntary annexation must accompany any grant request where the improvements are currently outside the City limits. Activities performed under this program shall be consistent with North Carolina General Statutes for Local Economic Development and all relevant standards and laws required by the State or the City of Asheville.

B. Scope

The following criteria will be utilized by City staff to determine whether a particular applicant for a grant is eligible. Additional criteria may be applied to a specific project based upon the terms of the agreement between the grantee and the City of Asheville.

1. The grantee must build a new or expand an existing business with a capital investment of $1,500,000 or more.

2. There must be evidence of at least three (3) years of operations prior to the request for the grant.

3. There must be a minimum of five (5) employees on the current payroll and a commitment to increase and/or maintain the current labor force as approved by City Council by the grant completion date.

4. The location and type of business must be consistent with the City's long-range plans and development policies.

5. There must be proof of equity participation by the business. The minimum equity amount shall be equal to ten (10) percent of the total project cost for projects including expansion of an existing business.

6. The grantee must create and/or retain quality jobs. The City will evaluate the proposed median wage rate of new and/or retained manufacturing and non-manufacturing jobs created and incentivized through this policy as the benchmark in determining quality job creation. All new and/or retained jobs should pay a Living Wage as determined at the time of application utilizing the universal living wage formula.

7. Grant funds may be used to acquire or reduce the cost of real property and/or improvements; create or improve public infrastructure and site improvements, such as roads, sidewalks, water lines or sanitary sewer lines; acquire or upgrade existing machinery and/or equipment; and/or any capital investment used in the daily operations of the existing business. The City investment in public roads, sidewalks, water lines and sanitary sewer lines will be publicly owned.

8. In addition to the above criteria, the staff in making a recommendation to the City Council to approve or disapprove of a grant will consider the following information:

   - The size of the project based upon investment in the site development, plant facilities and infrastructure;
   - The total number of jobs and types of jobs created;
   - The relationship between jobs development and total investment;
   - Potential for future expansion and increased employment;
   - Site specific issues that impact upon local infrastructure responsibilities of the City;
   - Site specific initiatives that may be pursued to stimulate other development areas that the City may deem of significant benefit to the community;
   - Economic development initiatives from other local governments and/or the State;
   - The availability of funds.

C. Eligibility

To be eligible for IDG funding, a business must be for-profit and engaged in one or more of the following activities:

1. Manufacturing and Business.

2. Service Sector. Majority of sales must be derived from interstate commerce.

3. Research and Development. The conducting of research, development or testing for scientific, food product or industrial purposes.

4. Warehousing and Distribution. Majority of revenue must be derived from interstate commerce.

5. Administrative Management Headquarters.

6. Transportation. Majority of revenue must be derived from interstate commerce.

7. Tourism Industry. Tourism attractions are expected to draw from outside a 100-mile radius. (This does not include tourism support facilities, e.g., motels, restaurants, etc.)

D. Grant Levels

IDG funding will be made based on the following schedule:

Grant Levels	Capital Investment Bracket	Grant Amounts	Maximum Time
Level 1 Grant	$ 1,500,000 or greater	Up to 75%	5 years
Level 2 Grant	$ 5,000,000 or greater	Up to 80%	5 years
Level 3 Grant	$10,000,000 or greater	Up to 85%	5 years
Level 4 Grant	$20,000,000 or greater	Up to 90%	7 years

E. Other Considerations

In addition to the criteria outlined above, the staff, in making the recommendation to City Council, will note the following issues:

1. A grant will not be awarded to any new or expanding industry which lowers the net tax payments paid to the City to a level less than the property taxes paid in the prior year.

2. Grant payments will not be made unless the applicable industry is current in all required payments to the City, including property taxes.

3. Grant benefits may not be transferred or otherwise conveyed to another party without the specific consent and prior approval of the City of Asheville.

4. Grant documents (contract) will include, but not be limited to, the following:

   a. A commitment from the business to complete the project within a specific period of time.

   b. A description of the proposed use of the grant funds, including a description of machinery and/or equipment, and a description of the facility or operation to be developed. The description should include the building, site size and plans; number of employees (current and projected); wage levels (current and projected); a description of the goods produced and/or services to be provided; a timetable of project performance; and any other item connected with the business project as deemed necessary by the City.

   c. Other provisions in the agreement may be added by the City as deemed appropriate.

II. Business Development Grant (BDG)

A second type of grant the City may offer to stimulate business is designed to pinpoint and stimulate local small business expansions. The Business Development Grant (BDG) program is designed to provide the same type of assistance as the IDG, but the funding level is for all investment in projects between $250,000 and $1,499,999 and the length of time for the grant is up to three (3) years.

Investment	Grant Amount	Maximum Time
$250,000 - $$1,499,999	Up to 75%	3 years

III. Infrastructure Development Program (IDP)

As an additional means of attracting private investment into the City of Asheville, public infrastructure and site improvements will be made available to industry. This is not a grant program. This program will provide a means for the creation or improvement of roads, sidewalks, water lines, or sanitary sewer lines. This program is meant to continue a targeted approach to planned growth.

A. Funding Levels

The amount of IDP funding will be based on a maximum of up to ninety (90) percent of the increased City property tax revenue generated for up to five (5) years. This is a reimbursement program. Payments are made on a reimbursement basis once the project is given a Certificate of Occupancy. All criteria and other requirements of the IDG and BDG are applicable to this program.

B. Contribution Levels

Maximum contribution level is ninety (90) percent of the increased City property tax revenue generated for the City for five (5) years. This is calculated as the expected yield which will be based upon the prevailing City tax rate for the five (5) year period in which the application is made.

IV. Alternative Programs

At the discretion of City Council, and in accordance with N.C.G.S. [section] 158-7.1, other incentives outside of this policy may be provided on a case by case basis. This may serve to reduce or preclude any incentive amount normally granted through the programs listed above.

RESOLUTION NO. 15-141

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO FUND THE APPRENTICE/INTERN PROGRAM FOR FY 2015-16

WHEREAS, funds for FY 2015-16 are available from the North Carolina Department of Transportation (NCDOT) to hire a transit planning apprentice to perform planning activities; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of $37,498 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $3,750; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal and State government and to enter into contracts for the administration of said grants;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the N.C. Dept. of Transportation to fund the apprentice/intern program for FY 2015-16.

Read, approved and adopted this 28th day of July 2015.

Magdalen Bowleson
City Clerk

Edwin C. Mumm
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 15- 142

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT 5 POINT FILM FESTIVAL KICKOFF PARTY ON THE DATE OF FRIDAY, AUGUST 14, 2015 FROM 4:00 PM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the 5 Points Film Festival Kickoff Party.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the 5 Points Film Festival Kickoff Party event area, as set forth on Exhibit A, attached.

   The 5 Points Film Festival Kickoff Party event area is within the boundaries of the City of Asheville Surface Parking Lot #18 located on the corner of Haywood Street & Page Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the 5 Points Film Festival Kickoff Party on Friday, August 14, 2015 from 4:00 p.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to

malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the 5 Points Film Festival Kickoff Party event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the 5 Points Film Festival Kickoff Party event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the 5 Points Film Festival Kickoff Party, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of July, 2015.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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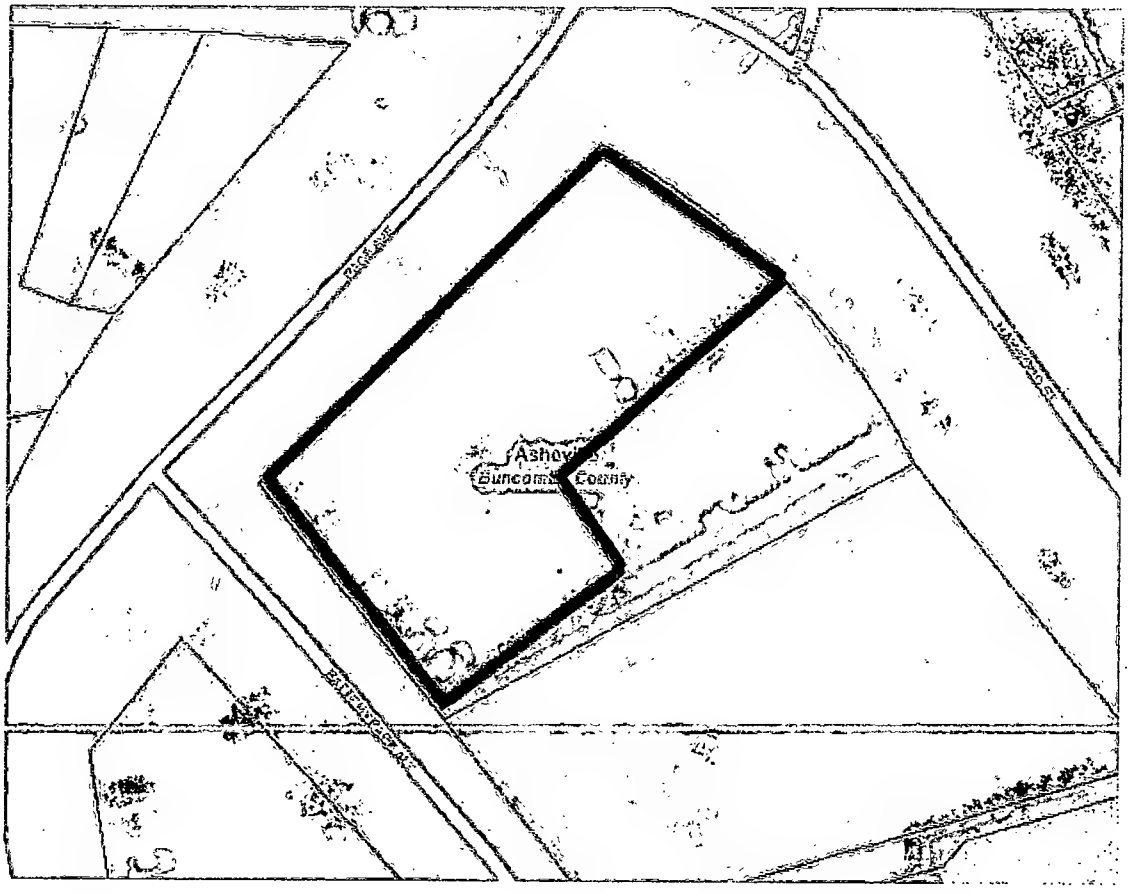
EXHIBIT A



Alcohol Boundary

RESOLUTION NO. 15- 143

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT GOOMBAY FESTIVAL ON THE DATES OF FRIDAY, SEPTEMBER 11, 2015, FROM 5:00 PM – 10:00 PM, SATURDAY, SEPTEMBER 12, 2015, FROM 10:00 AM – 10:00 PM AND SUNDAY, SEPTEMBER 13, 2015, FROM 1:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Goombay Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Goombay Festival area, as set forth in Exhibit A, attached.

   The Goombay Festival event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Goombay Festival on Friday, September 11, 2015 from 5:00 p.m. – 10:00 p.m., Saturday, September 12, 2015 from 10:00 a.m. – 10:00 p.m., and Sunday, September 13, 2015 from 1:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Goombay Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Goombay Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Goombay Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of July, 2015.

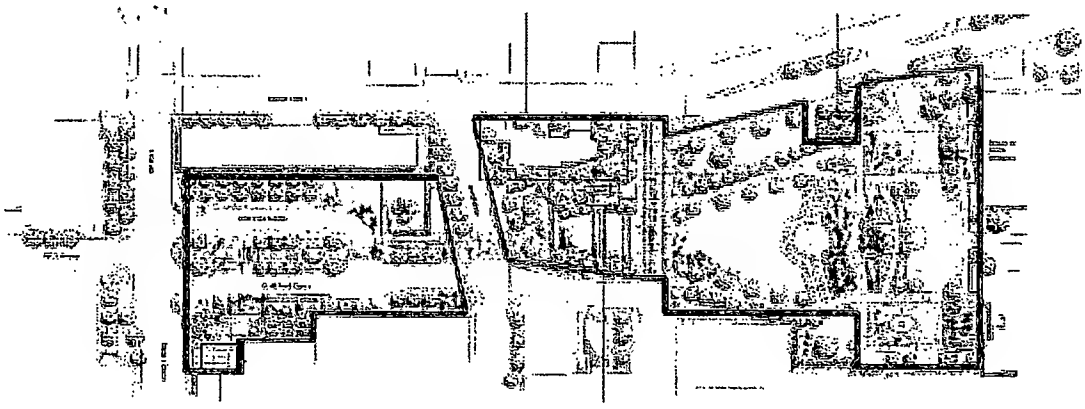
Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

EXHIBIT A



Alcohol Area

Magdalen Bouleson
City Clerk

214

RESOLUTION NO. 15- 144

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT VENTURE LOCAL FAIR ON THE DATE OF SATURDAY, SEPTEMBER 26, 2015 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Venture Local Fair.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Venture Local Fair event area, as set forth in Exhibit A, attached.

   The Venture Local Fair event area is within the boundaries of Banks Avenue between the intersections of Coxe Avenue and Church Street, Buxton Avenue between the intersections of Coxe Avenue and Millard Avenue, and Collier Avenue between the intersections of Buxton Avenue and Millard Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Venture Local Fair on Saturday, September 26, 2015 from 12:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Venture Local Fair event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Venture Local Fair event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Venture Local Fair, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of July, 2015.

Magdalen Bourleson
City Clerk

Mayor

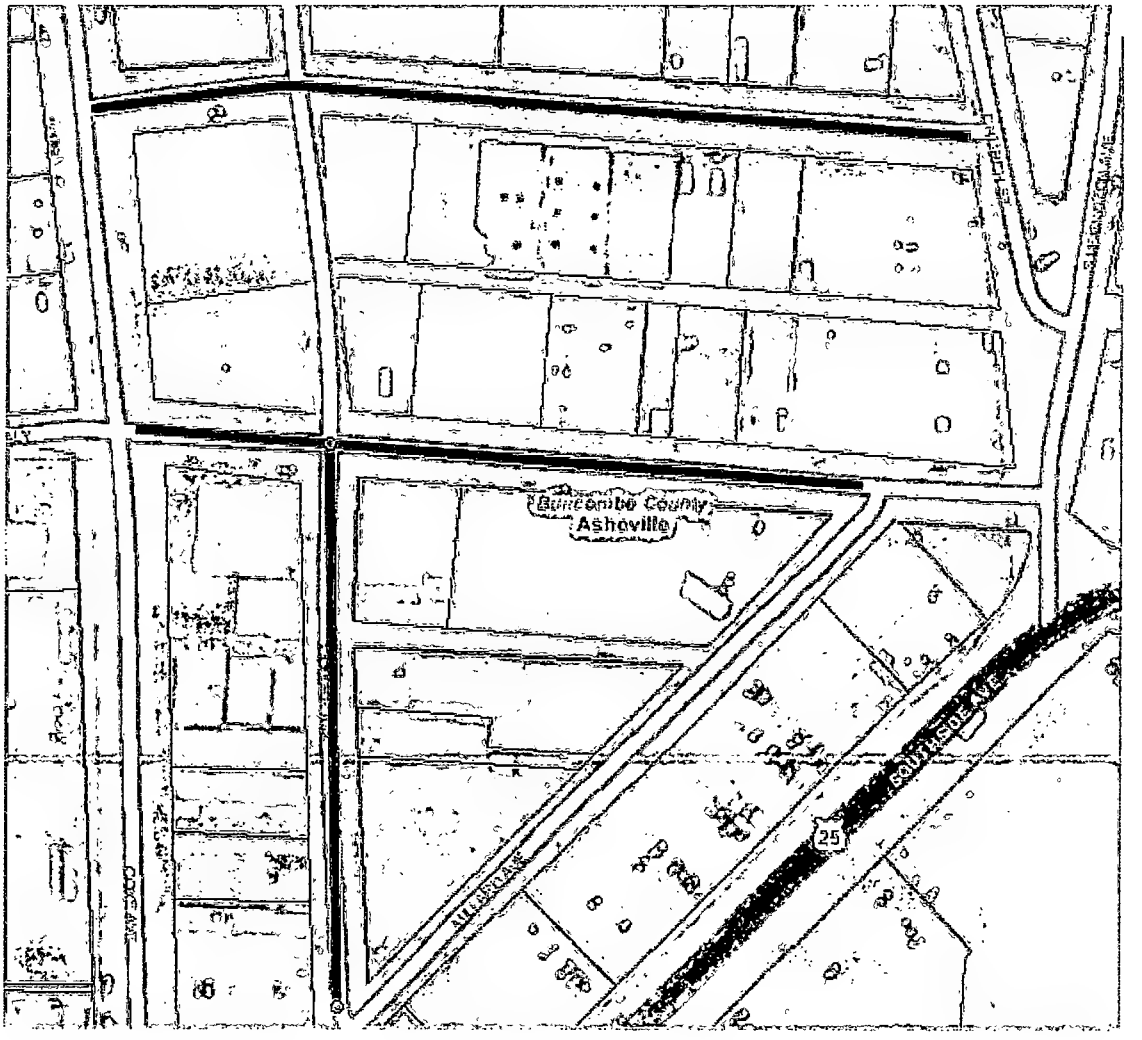
Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

216

EXHIBIT A



Alcohol Boundary

RESOLUTION NO. 15-145

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE PURPOSE OF CONDUCTING A RECYCLING PILOT PROJECT IN PUBLIC HOUSING COMMUNITIES

WHEREAS, pursuant to G.S. 160A-17.1 the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, the City of Asheville is committed to reducing waste and increasing recycling and has an opportunity to expand recycling availability to the Erskine, Walton and Livingston Heights public housing communities; and

WHEREAS, the City of Asheville applied for and was awarded a grant totaling $21,625 through NCDENR's Community Waste Reduction and Recycling grant opportunity; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept grant funding of $21,625 from the North Carolina Department of Environment and Natural Resources to provide recycling services as a pilot project to public housing communities.

Read, approved and adopted this 28th day of July, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

218

RESOLUTION NO. 15-146

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. TO CONDUCT PHASE II OF A PARKING STUDY ALONG THE HAYWOOD ROAD CORRIDOR IN WEST ASHEVILLE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A-20.1 of the North Carolina General Statutes to enter into contracts for services with private entities; and

WHEREAS, the City is following through on a recommendation from the Haywood Road Vision Plan to conduct a parking study; and

WHEREAS, the amount of the Contract is $60,000 including contingencies is budgeted in the Parking Enterprises Fund operating budget for FY 2015-16;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Kimley-Horn and Associates, Inc., for $60,000 including contingencies to conduct Phase II of a parking study along the Haywood Road Corridor in West Asheville and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 28th day of July, 2015.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 15-147

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DR. J. PAUL MARTIN MD. DBA ASHEVILLE ADDICTION CONSULTANTS, PA FOR PHYSICIAN SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, under the purview of the City Manager, The Human Resources Department contracts with Dr. J. Paul Martin for professional physician services for employees, their dependents and retirees in the Health Services Division; and

WHEREAS, the amount of the Agreement is $120,000 and the monies have been budgeted in the Health Care Fund Budget:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Dr. J. Paul Martin, MD DBA Asheville Addiction Consultants, PA for $120.000 for physician services and further authorized to execute any change orders to said contract or documents which may arise during provision of these services of said project up to the budgeted amount.

Read, approved and adopted this the 28th day of July, 2015.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

220

RESOLUTION NO. 15-148

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS TO AN AGREEMENT WITH CDM SMITH FOR ENGINEERING AND DESIGN SERVICES FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT (RADTIP) AND FIVE POINTS ROUNDABOUT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City Council has programmed the RADTIP and Five Points Roundabout in the City's Capital Improvements program; and

WHEREAS, City Council directed staff to continue steps toward implementation of the RADTIP and Five Points Roundabout;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute change orders to a contract with CDM Smith for the amount of $560,452 for engineering services for the River Arts District Transportation Improvement Project and Five Points Roundabout, and further authorized to execute any additional change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 28th day of July, 2015.

Magdalen Bulleson
City Clerk

Edwin C. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 15-149

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GULF COAST LLC TO PROVIDE PROPERTY ACQUISITION SERVICES FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT (RADTIP)

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville needs expert property acquisition services such as appraisals, negotiations and relocation activities in order to comply with the Federal Uniform Relocation Act and meet the funding agency's (FHWA) requirement for all acquisitions needed for RADTIP right of way acquisition; and

WHEREAS, the amount of the Agreement is $240,000 and the monies have been budgeted in the CIP allocation for RADTIP in the FY 2016 budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Gulf Coast, LLC for $240,000 to provide property acquisition services needed for RADTIP and further authorized to execute any change orders to said contract or documents which may arise during provision of these services of said project up to the budgeted amount.

Read, approved and adopted this the 28th day of July, 2015.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

222

RESOLUTION NO. 15-150

RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT FOR THE IMPROVEMENT OF NANCY STREET

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, pursuant to N.C.G.S. 160A-296 the City of Asheville has the authority to establish and control streets; and

WHEREAS, Beaucatcher Commons, LLC seeks to develop six (6) affordable housing units on Nancy Street in the City of Asheville; and

WHEREAS, the City of Asheville has agreed to support this development with a loan from its Housing Trust Fund; and

WHEREAS, the section of Nancy Street where this proposed affordable housing development is to be located is not currently a City-owned street; and

WHEREAS, in order for the developer to proceed with the development of the affordable housing there Nancy Street must be brought to City specifications and accepted as a City street by the Asheville City Council; and

WHEREAS, the City and the developer seek to enter into a Memorandum of Agreement that will result in improvements to Nancy Street that will bring it to City specifications, such Agreement to detail the responsibilities of each party;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized, upon the approval of the City Attorney, to execute a Memorandum of Agreement with Beaucatcher Commons, LLC, for the improvement of Nancy Street;

Read, approved and adopted the 28th day of July, 2015.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 15-151

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING 110 SQUARE FEET OF AIR RIGHTS LOCATED AT 723 HAYWOOD ROAD

WHEREAS, the City of Asheville owns certain property adjacent to 723 Haywood Road, being a sidewalk within the right of way of Haywood Road; and

WHEREAS, pursuant to North Carolina General Statues Section 160A-273, the City has the authority to grant air rights over public rights-of-way for the purpose of erecting a building or other permanent structure; and

WHEREAS, on July 1, 2015, a qualifying offer was received from Douglas R. Oster to purchase 110 square feet of air space conditional to the addition of a permanent balcony on a renovated building at 723 W. Haywood Road, in the amount of $220; and

Whereas, the conveyance of said air rights are conditional on the formal approval of the development plans for the project located at this parcel;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 110 square feet of air rights located at 723 Haywood Street to Douglas R. Oster. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder of the purchase price of $220. Per the statute, the Council may at any time reject any and all offers.

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey the aforementioned property to Doug R. Oster.

Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 28th day of July, 2015.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

224

RESOLUTION NO. 15-152

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN KEVIN T. AND LISA A. FOX AND THE CITY OF ASHEVILLE FOR A HEALTH SERVICES OFFICE AT 155 BILTMORE AVENUE

WHEREAS, N. C. Gen. Stat. sec. 160A-19 and N. C. Gen. Stat. sec. 160A-240.1 authorize the City to acquire leases of real property for use by any department of the City; and

WHEREAS, the City operates a Health Services Office at 155 Biltmore Avenue; and

WHEREAS, Kevin T. and Lisa A. Fox are the owners of real property located at 155 Biltmore Avenue, identified as PIN # 9648-48-2474-00000; and

WHEREAS, the City of Asheville has offered to enter into a lease for approximately 3,422 square feet of office and medical space for a term of three years, with mutual right to terminate at six months notice; and

WHEREAS, the base rental rate for the leased premises is $4,500 per month for the first year, commencing January 1, 2016, plus the additional responsibility of paying utilities, property taxes and insurance as related tenant expenses; and

WHEREAS, the City's needs for the property during the term of the lease are compatible with the proposed lease;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute the Lease Agreement between the Kevin T. and Lisa A. Fox and the City of Asheville for property located at 155 Biltmore Avenue, PIN 9648-48-2474-00000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 28th day of July, 2015.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15- 153

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNNAMED ALLEY BETWEEN WYOMING RD. AND KEEBLER RD.

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a an unnamed alley between Wyoming Road and Keebler Road; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unnamed alley between Wyoming Road and Keebler Road, described as follows:

Description for unnamed alley between Wyoming Road and Keebler Road

Situated in the State of North Carolina, County of Buncombe, City of Asheville and being the portion of road right of way bounded by lots 2, 3, 37 and 39 on the plat titled "Revised Subdivision of Parts of Blocks "A" & "B" Property of Kenilworth Development Co." recorded in Plat Book 14, Page 2 at the Buncombe County Register of Deeds:

Beginning at a ½" rebar found at the southeast corner of said lot 37 along the northern margin of Wyoming Road. Said corner being South 87°52'53" East a distance of 17.99 feet and then North 84°20'07" East a distance of 44.21 from a magnetic nail found at the southwest corner of lands now owned by Robert F. Scheiderich as recorded in Deed Book 4344, Page 1764.

Thence along the eastern line of said Scheiderich lands **North 20°26'23" West** a distance of **68.76 feet** to a ½" rebar found at the southeast corner of lands now owned by Stephen J. and Elizabeth J. Carr as recorded in Deed Book 4141, Page 1738;

Thence along the eastern line of said Carr lands **North 20°25'55" West** a distance of **31.48 feet** to a calculated point;

Thence along the eastern line of said Carr lands **North 50°38'55" West** a distance of **74.78 feet** to a ½" Bent Rebar found at the northeast corner of said Carr lands along the southern right of way of Keebler Road;

Thence along a curve to the right with a radius of 100.00 feet approximately parallel to the curb for Keebler Road, a chord bearing of **South 85°49'08" East** and chord distance of **43.51 feet** to a calculated point along the western line of lands now owned by Stephen J. and Elizabeth J. Carr as recorded in Deed Book 4141, Page 1738;

Thence along the western line of said Carr lands **South 42°52'49" East** a distance of **46.29 feet** to a calculated point;

Thence along the western line of said Carr lands **South 20°17'08" East** a distance of **44.72 feet** to a magnetic nail set at the northwest corner of lands now owned by Robert F. Scheiderich as recorded in Deed Book 4344, Page 1764;

Thence along the western line of said Scheiderich lands **South 20°17'16" East** a distance of **64.34 feet** to a ½" rebar found along the northern margin of the Wyoming Road right of way;

Thence along the northern margin of the Wyoming Road right of way **South 84°22'14" West** a distance of **19.98 feet** to the Point of Beginning containing within said bounds **0.080 acres** (3,495 square feet) according to a survey performed by Robert K. Brady, Professional Land Surveyor 3959 in April, 2015.

2. A public hearing on the question of permanently closing an unnamed alley between Wyoming Road and Keebler Road, is hereby called for on September 8, 2015, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on a September 8, 2015.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley between Wyoming Road and Keebler Road. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 28th day of July, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-154

RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE COUNTY SHERIFF'S OFFICE CONCERNING DWI TASK FORCE OPERATIONS

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-461, any unit of local government and any one or more other units of local government in North Carolina may enter into contracts or agreements with each other in order to execute any undertaking; and

WHEREAS, such agreements must be ratified by resolution of the governing board of each unit spread upon its minutes; and

WHEREAS, the Asheville Police Department (APD) and Buncombe County Sheriff's Office (BCSO) currently operate a joint task force primarily charged with investigating and enforcing laws prohibiting driving while impaired and unrestrained vehicle occupants ("DWI Task Force"); and

WHEREAS, the APD and BCSO now wish to define and memorialize their respective rights and responsibilities with regard to DWI Task Force operations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement between the City and BCSO under terms previously agreed upon by the APD and BCSO.

Read, approved and adopted this 28th day of July, 2015.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 15-155

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE CONTRACT WITH LEAF COMMUNITY ARTS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A-20.1 of the North Carolina General Statutes to enter into contracts for services with private entities; and

WHEREAS, LEAF currently has a on-going partnership with the City of Asheville Parks and Recreation Department; and

WHEREAS, LEAF provides cultural and educational opportunities for our community; and

WHEREAS, LEAF agrees to provide expanded youth programming under a twelve month service agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to enter into a service agreement with LEAF in the amount of $15,000 to provide expanded youth cultural and educational programming.

Read, approved and adopted this 28th day of July, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-156

RESOLUTION APPROVING NAMING THE U.S. CELLULAR CENTER LOBBY IN HONOR OF CITY COUNCIL MEMBER JAN DAVIS

WHEREAS, the City of Asheville has a policy for naming City of Asheville Facilities; and

WHEREAS, City Council Member Jan Davis has been a leader and advocate of the Civic Center for over three decades; and

WHEREAS, the Asheville Civic Center Commission unanimously recommended renaming the Lobby area of the U.S. Cellular Center to the 'Jan Davis Lobby'; and

WHEREAS, Asheville City Council would like to honor Council Member Davis' honorable service and leadership by naming the U.S. Cellular Center Lobby after him; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The U.S. Cellular Center lobby be named after Council Member Jan Davis.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Bourleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

230

RESOLUTION NO. 15-157

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY CONTRACTS OR DOCUMENTS ASSOCIATED WITH THE RAFTELIS FOUNDATION ELEMENTARY SCHOLARSHIP FOR THE ACCEPTANCE OF A SCHOLARSHIP

WHEREAS, the City has an active Stormwater Educational outreach program; and

WHEREAS, the opportunity to receive this scholarship will assist in the City's continuing efforts to promote water quality and environmental stewardship; and,

WHEREAS, the Raftelis Foundation Elementary Scholarship program has awarded the City with $1,000 toward the continuing efforts of promoting water resource stewardship;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized execute any necessary contracts or documents associated with the Raftelis Foundation Elementary Scholarship, subject to approval by the City Attorney, for the acceptance of the scholarship in the amount of $1,000.

Read, approved and adopted this the 25th day of August, 2015.

Magdalen Bullen
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullen
City Clerk

RESOLUTION NO. 15-158

RESOLUTION FOR THE CITY OF ASHEVILLE TO BE THE LOCAL GOVERNMENT FOR THE PARTNER FOR THE ASHEVILLE AREA ARTS COUNCIL'S APPLICATION 2016 NEA ***OUR TOWN*** GRANT

WHEREAS, at its meeting on July 21, 2015, the Planning and Economic Development Committee of City Council presents for consideration the grant criteria and applicable outcomes; and

WHEREAS, the grant, if awarded, will require a partnership between the City of Asheville and the Asheville Area Arts Council on the proposed project; and

WHEREAS, the approval will allow for the Asheville Area Arts Council to meet the required grant deadlines;

WHEREAS, the grant, if awarded, requires a non-federal dollar for dollar match to be covered by the Asheville Area Arts Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) The City of Asheville will be the local government partner for the Asheville Arts Council's application for the 2016 NEA *Our Town* Grant.

(2) Staff be directed to include funding for the match, in an amount of not to exceed $25,000, in the proposed Fiscal Year 2016-17 budget that will be presented to City Council in the spring of 2016.

Read, approved and adopted this 25th day of August 2015.

Magdalen Bullen
CITY CLERK

Esther Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullen
City Clerk

RESOLUTION NO. 15-159

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH CAVANAUGH AND ASSOCIATES, P.A., TO INCREASE THE ENGINEERING DESIGN SERVICES CONTRACT FOR THE VAULT RENEWALS AND DISTRICT METERING AREAS (DMA) ZONE METERING PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Cavanaugh and Associates, P.A., was selected by Staff via a Request for Qualifications process to perform engineering services related to the Vault Renewals and DMA Zone Metering Project; and

WHEREAS, unknown site issues and meter technology issues require the extension of contract times, redesign of some project sites and additional troubleshooting of meter technology issues; and

WHEREAS, a change order in the amount of $8,000 is needed to increase the engineering design services contract for Cavanaugh and Associates, P.A., in the amount of $8,000.00 from a total project budget of $190,136 to $198,136;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a change order with Cavanaugh and Associates, P.A., to increase the engineering design services contract in the amount of $8,000 from a total project budget of $190,136 to $198,136 for the Vault Renewals and District Metering Areas (DMA) Zone Metering Project. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the estimated budgeted amount.

Read, approved and adopted this the 25th day of August, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-160

RESOLUTION FOR THE CITY OF ASHEVILLE TO APPLY FOR THE NORTH CAROLINA APPALACHIAN REGIONAL COMMISSION EMERGING OPPORTUNITIES GRANT PROGRAM

WHEREAS, at its meeting on August 18, 2015, the Planning and Economic Development Committee of City Council recommended City Council consideration the ARC Emerging Opportunities grant; and

WHEREAS, the grant, if awarded, will provide for a comprehensive research study that evaluates the entrepreneurial impact of outdoor special events; and

WHEREAS, the resulting data will be used as a basis for sound policy recommendations that enhance and motivate entrepreneurial activity through the employment of outdoor special event projects;

WHEREAS, the grant, if awarded, requires a dollar for dollar match to be provided by the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) The City of Asheville will apply for the NC ARC Emerging Opportunities Grant

(2) Staff will use funding for the match, in an amount of not to exceed $25,000, from the current Community & Economic Development budget

Read, approved and adopted this 25th day of August 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

234

RESOLUTION NO. 15- 161

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT LEXINGTON AVENUE ARTS & FUN FESTIVAL ON THE DATE OF SUNDAY, SEPTEMBER 6, 2015 FROM 12:00 PM – 9:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Lexington Avenue Arts & Fun Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Lexington Avenue Arts & Fun Festival event area, as set forth on Exhibit A, attached.

   Lexington Avenue Arts & Fun Festival event area is within the boundaries of Lexington Avenue between the intersections of College Street and the I-240 Overpass, Walnut Street between the intersections of Carolina Lane & Rankin Avenue, and Hiawassee between the intersection of Rankin Avenue and Lexington Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Lexington Avenue Arts & Fun Festival on Sunday, September 6, 2015 from 12:00 p.m. to 9:00 p.m.;

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Lexington Avenue Arts & Fun Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Lexington Avenue Arts & Fun Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Lexington Avenue Arts & Fun Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Burleson
City Clerk

Mayor

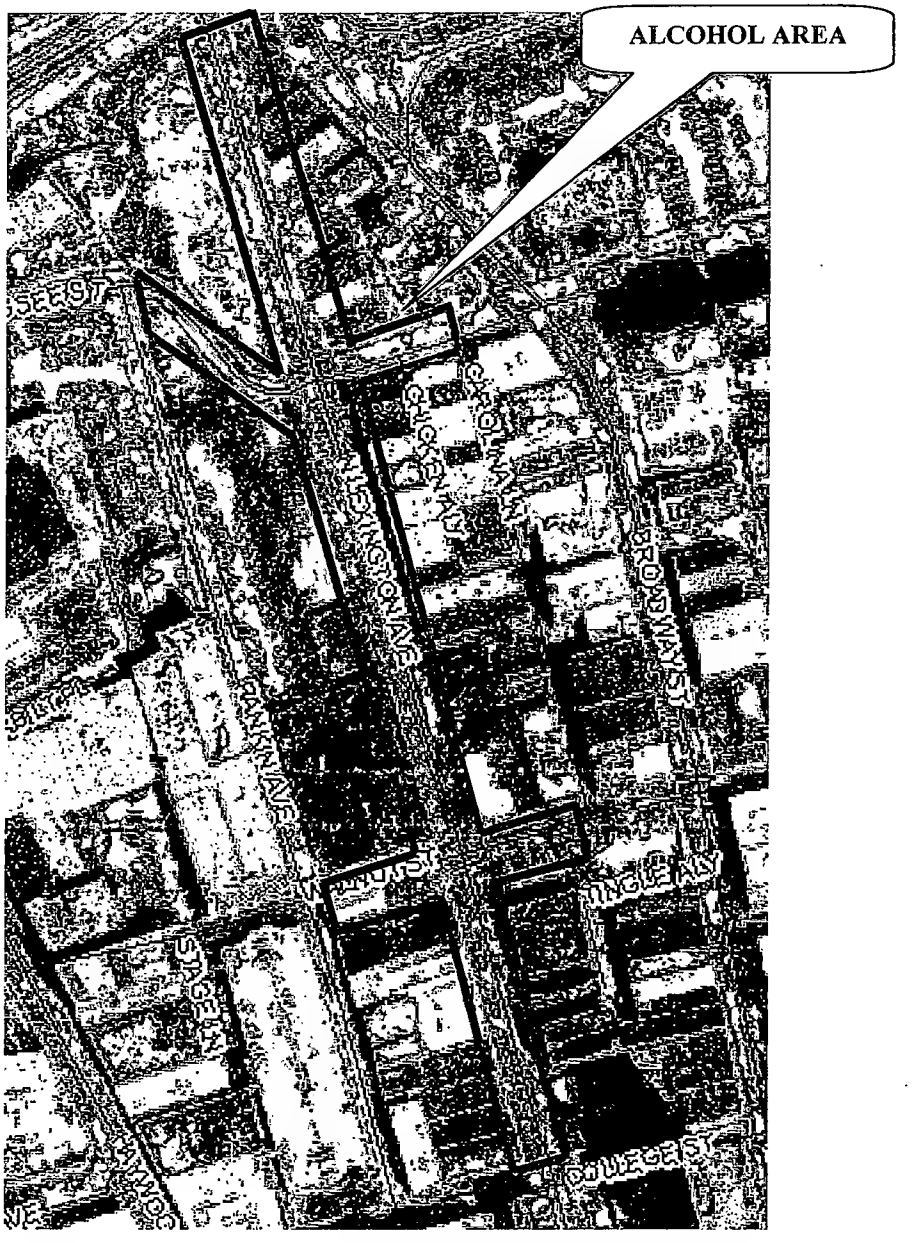
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

236

Exhibit A



RESOLUTION NO. 15- 162

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT OKTOBERFEST ON THE DATE OF SATURDAY, OCTOBER 10, 2015 FROM 1:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Oktoberfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Oktoberfest event area, as set forth in Exhibit A, attached.

   The Oktoberfest event area is within the boundaries of Woodfin Street between the intersections of Central Avenue and Oak Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Oktoberfest on Saturday, October 10, 2015 from 1:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Oktoberfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Oktoberfest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Oktoberfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Bowleson
City Clerk

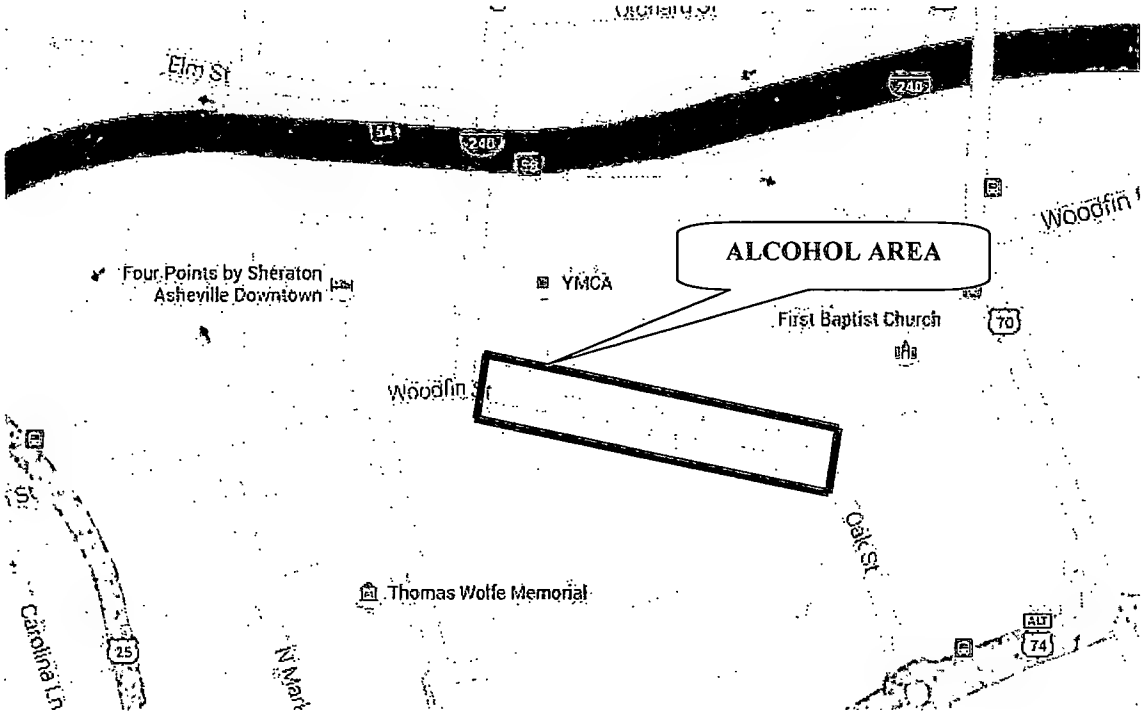
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

EXHIBIT A


Elm St
240
54
240
59
Woodfin
ALCOHOL AREA
Four Points by Sheraton
Asheville Downtown
YMCA
First Baptist Church
70
Woodfin St
Oak St
Thomas Wolfe Memorial
Carolina Ln
25
N Main
ALT
74

240

RESOLUTION NO. 15- 163

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT HOWLIN HALLOWEEN ON THE DATE OF SATURDAY, OCTOBER 31, 2015 FROM 12:00 PM – 4:00 PM.

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Howlin Halloween.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Howlin Halloween event area, as set forth on Exhibit A, attached.

   The Howlin Halloween event area is within the boundaries of Carrier Park located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Howlin Halloween on Saturday, October 31, 2015 from 12:00 p.m. – 4:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from

glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Howlin Halloween event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Howlin Halloween event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Howlin Halloween, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Bowleson
City Clerk

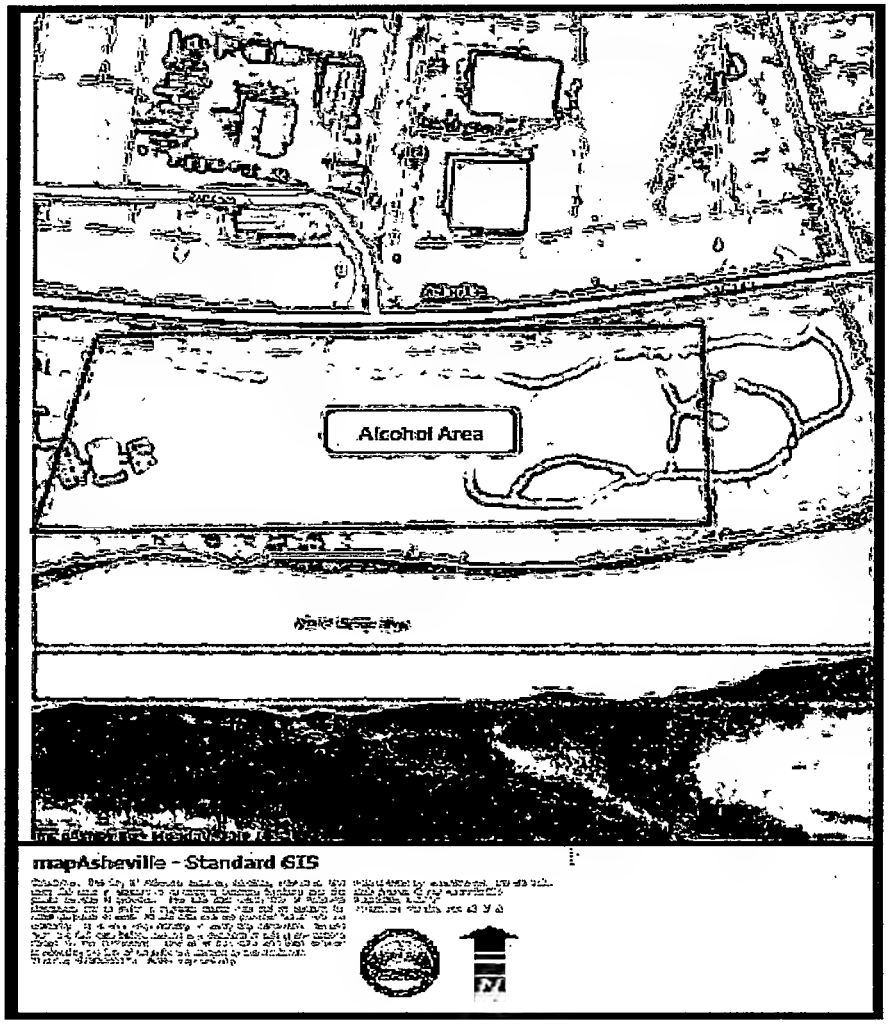
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

Exhibit A



RESOLUTION NO. 15-164

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC. FOR THE PROJECT KNOWN AS HAYWOOD ROAD MULTIMODAL IMPROVEMENTS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as Haywood Road Multimodal Improvements, City of Asheville Project # ENG-12-13-013; and

WHEREAS, Patton Construction Group, Inc. was the lowest responsible bidder for the project, in the amount of $243,750.00; and

WHEREAS, the project involves the furnishing of labor, material, equipment and incidentals for the installation of curb and gutter, sidewalks, drive aprons, ADA ramps, retaining walls, striping and utility adjustment; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $243,750.00 plus a contingency of 15% ($36,562) with Patton Construction Group, Inc. for the project known as Haywood Road Multimodal Improvements, City of Asheville Project # ENG-12-13-013 and is further authorized to execute any change orders to said contract which may arise during construction of said project up to the budgeted amount of $280,312.

Read, approved and adopted this the 25th day of August, 2015.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15-165

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTATE AND EXECUTE A CHANGE ORDER FOR AN EXISTING CONTRACT WITH COLEJENEST & STONE FOR THE PURPOSE OF COMPLETING PROFESSIONAL DESIGN SERVICES FOR THE CRAVEN STREET IMPROVEMENT PROJECT

WHEREAS, on June 12, 2012, City Council approved the City Manager to enter into a professional services contract agreement with ColeJenest & Stone for the design of the Craven Street Improvement project; and

WHEREAS, the City wishes to finalize the design efforts and perform construction inspection during the construction of the project; and

WHEREAS, the City wishes to be environmental sustainable by not diverting the Brownfield material to another permitted site and utilize the material on site where available; and

WHEREAS, the City wishes to complete major construction in advance of the New Belgium Brewery opening;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to negotiate and execute a change order with ColeJenest & Stone for the additional professional services associated with the Craven Street Improvement project. The total professional services contract is not to exceed $1,047,656.50.

Read, approved and adopted this the 25th day of August, 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-166

RESOLUTION RATIFYING THE CONTRACT BETWEEN THE CITY AND PATTON CONSTRUCTION GROUP FOR THE EMERGENCY REPAIRS OF A FAILED DRAINAGE SYSTEM RESULTING IN A HOLE IN THE PARKING LOT OF CITY OWNED REAL PROPERTY LOCATED AT 174 S. CHARLOTTE STREET

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts with private entities; and

WHEREAS pursuant to N.C.G.S. § 143-131, (informal bidding), and City adopted contracting policies, the City is required to engage in good faith efforts to solicit Historically Underutilized Business participation in construction and repair projects bids; and

WHEREAS, pursuant to City adopted contracting policies, all construction, repair and general services contracts in the amount of $100,000 or more must receive prior City Council approval; and

WHEREAS, due to the quick formation of a hole due to a failed storm drainage system at the Water Maintenance Facility located at 174 S. Charlotte Street, that represented a present, immediate and existing emergency, solicitation of historically underutilized businesses and obtaining prior consent from Council to effectuate the repairs could not be done without jeopardizing public safety; and

WHEREAS, due to the urgency of the situation, dispensing with the informal bidding and City adopted contracting policies requirements, City staff entered into a contract with Patton Construction Group to perform emergency repairs to the sinkhole that formed at the Water Maintenance Facility located at 174 S. Charlotte Street, such facility currently being leased to White Labs;

WHEREAS, White Labs has agreed to pay 50% of the total cost of the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The contract entered into between the City of Asheville and Patton Construction Group for emergency repairs to the Water Maintenance Facility located at 174 S. Charlotte Street, currently leased to White Labs, is hereby ratified for a cost not to exceed $190,233.

Read, approved and adopted this the 25th day of August, 2015.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-167

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH RIVERTOP CONSTRUCTION, INC. FOR THE PROJECT KNOWN AS DOWNTOWN CLEANING

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Downtown Cleaning, City of Asheville Project # DC-16-01; and

WHEREAS, Rivertop Construction, Inc. of Swannanoa, NC was the lowest responsible bidder for the project, in the amount of $250,026, and

WHEREAS, the project involves the pressure washing of City owned sidewalks and removal of undesirable vegetation from City owned sidewalks, tree grates and curblines in the Central Business District; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $250,026.00 plus a contingency of 15% ($37,504) with Rivertop Contracting Inc. for the project known as Downtown Cleaning, City of Asheville Project # DC-16-01. The City Manager is also authorized to execute any change orders to said contract which may arise during the execution of said project up to the budgeted amount of $300,000.

Read, approved and adopted this the 25th day of August 2015.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 15- 168

RESOLUTION TO ACCEPT ADDITIONAL EMERGENCY SOLUTIONS GRANT FUNDS AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the State of North Carolina has received Emergency Solution Grant (ESG) funds for FY 2014 from the US Department of Housing and Urban Development; and

WHEREAS, the State made these funds available to Continuums of Care in the State, and required that each Continuum of Care submit one regional application for ESG funds ; and

WHEREAS, the City of Asheville has agreed to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services; and

WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has awarded the City, as fiscal agent, an additional $40,188;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville accept $40,188 in additional funds for the Emergency Solutions Grant FY14-15;

2. Council authorizes the City Manager to sign all necessary amendment documents with the State of North Carolina and subgrant agreements with funded agencies, after approval by the City Attorney.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-169

RESOLUTION REQUESTING THE LOCAL DELEGATION OF THE NORTH CAROLINA GENERAL ASSEMBLY FOR THE CITY OF ASHEVILLE OPPOSE SALES TAX REDISTRIBUTION LEGISLATION

WHEREAS, proposed Sales Tax Redistribution legislation seeks to revise Chapter 105 of the North Carolina General Statutes in a manner that would drastically alter the statutory structure of the collection and distribution of sales tax generated by local governments throughout the State of North Carolina; and

WHEREAS, since enactment, sales taxes in North Carolina have been a primary funding source for the municipalities and counties of the State and considered the "property" of those local governments who provide the resources and infrastructure to generate the sales taxes; and

WHEREAS, historically sales taxes have been distributed on the "point of sale" basis due in large part to the fairness of the concept that those who pay for the infrastructure supporting sales should be entitled to collect the tax spawned by their investment; and

WHEREAS, Sales Tax Redistribution legislative proposals have the stated purpose of taking revenues away from the place where they were generated and redistributing it to counties and municipalities that are less prosperous areas; and

WHEREAS, in doing so the legislation provides a windfall to local governments, who have not provided the resources and infrastructure necessary to generate significant sales taxes for their local community, by taking it from the local governments whose communities and budgets bear the physical and fiscal brunt of the costs of development. In effect, the legislation proposes to socialize sales tax revenues and redistribute them under the guise of fairness; and

WHEREAS, the taking of an asset statutorily vested in the local governments of North Carolina and redistributing it on the basis of a currently perceived "fairness" will be financially devastating to the City of Asheville, as well as many other counties and municipalities in the State, forcing them to make up the difference by increasing ad valorem taxes. Gifting the sales tax revenues on a per capita distribution is tantamount to a tax increase mandated by the Legislature; and

WHEREAS, the State finds itself with a budget surplus which could be used to address the infrastructure needs of small poor communities that have an insufficient tax base to raise the revenues needed; and

WHEREAS, ultimately the redistribution of sales tax under the guise of "fairness" is in fact unfair and a fundamental change in the way government is financed in North Carolina;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The passage of Sales Tax Redistribution legislation threatens to take an estimated 1 to 3 million annually in sales tax revenue from the City of Asheville.

The proposed legislation is far from fair, but rather it burdens the residents of the City of Asheville.

The State budget surplus allows the State to address the infrastructure needs of small poor counties, which is more appropriately done with current State level revenues.

The Asheville City Council adamantly opposes Sales Tax Redistribution legislative proposals that threaten the status and distribution of local sale and use tax.

It is hereby requested that the local delegation of the North Carolina General Assembly elected to represent the interests of the residents of the City of Asheville vigorously oppose Sales Tax Redistribution legislation.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

250

RESOLUTION NO. 15-170

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GRAHAM COUNTY LAND COMPANY, LLC FOR THE PROJECT KNOWN AS HENDERSONVILLE ROAD (US 25) SIDEWALK IMPROVEMENTS PROJECT, CITY OF ASHEVILLE PROJECT #ENG-12-13-015.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Hendersonville Road (US 25) Sidewalk Improvements Project; and

WHEREAS, Graham County Land Company, LLC, Robbinsville, NC was the lowest responsive, responsible bidder for the project; and

WHEREAS, Graham County Land Company, LLC shall provide all labor, material, equipment, etc. for the installation of new sidewalk, retaining walls, various drainage structures, a new pedestrian boardwalk, new pedestrian crossing signal facilities, etc as described in the service contract; and

WHEREAS, the amount of the Agreement is $2,997,301.75 and the monies have been budgeted in the City's adopted Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Graham County Land Company, LLC for $2,997,301.75 plus 15% contingency for the project known as Hendersonville Road (US 25) Sidewalk Improvements Project, City of Asheville Project #ENG-12-13-015, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount of $3,446,897.01, pending concurrence with award by the North Carolina Department of Transportation.

Read, approved and adopted this the 8th day of September, 2015.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 15-171

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NORTH CAROLINA NON-WARRANTY DEED CONVEYING ANY AND ALL INTEREST THE CITY MAY HAVE IN THE CLOSED ALLEY OFF OF BROAD STREET

WHEREAS, by Resolution No. 15-10, adopted the 13th day of January 2015, the City Council of the City of Asheville closed an unnamed alley off of Broad Street; and

WHEREAS, the description of the closure as set forth by metes and bounds, only closed five-feet of the ten-feet alley; and

WHEREAS, to resolve title insurance questions as to the public's interest in the western five-feet of the alley, the petitioning property owner for the alley closure, has requested that the City convey by non-warranty deed any and all interest the City may have in the alley; and

WHEREAS, the City is receptive to conveying any and all interest the City may have in the unnamed alley off of Broad Street;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCI LOF THE CITY OF ASHEVILLE THAT:

The City Manager of the City of Asheville is hereby authorized to convey by North Carolina Non-Warranty Deed any and all interest the City may have in the unnamed alley off of Broad Street.

Read, approved and adopted this 8th day of September, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-172

RESOLUTION AUTHORIZING THE EXCHANGE OF CITY-OWNED REAL PROPERTY AT NORTH FORK LEFT FORK ROAD FOR PRIVATELY OWNED REAL PROPERTY AT NORTH FORK WATER TREATMENT PLANT ENTRANCE

WHEREAS, NCGS 160A-271, authorizes cities in North Carolina to exchange any real or personal property belonging to the City for other real or personal property by private negotiation if the City receives a full and fair consideration in exchange for its property; and

WHEREAS, the City of Asheville owns real property located along North Fork Left Fork Road, further described as a 4,316 square foot (0.10 acres) portion of PIN # 0712-16-7768 on the Buncombe County Tax Map; and

WHEREAS, 10 Sugar Maple LLC owns real property located along North Fork Left Fork Road near the entrance to the North Fork Water Treatment Plant within PIN # 0701-41-7256, measuring 4,316 square feet (0.10 acres) which includes a portion of the access road that Water Resources uses to access the Treatment Plant; and

WHEREAS, the exchange benefits the City of Asheville by curing any legal issues surrounding the entrance into the North Fork treatment plant and;

WHEREAS, the value of the improvements, including installation by the City of a 2-inch water line within an existing waterline easement for meter connection, and the land area considered, the City and 10 Sugar Maple LLC wish to make an even exchange of the two described properties; and

WHEREAS, notice was duly published in the Asheville Citizen-Times on August 29, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute 160A-271, the City Manager is hereby authorized to execute a deed of conveyance and all related documents in order to convey to 10 Sugar Maple LLC, the real property located on North Fork Left Fork Road, being +/- .10 acres or 4,316 square feet identified as a portion of PIN #0712-16-7768 Tract B on the Buncombe County Tax Map, in exchange for real property owned by 10 Sugar Maple LLC further described as being +/- .10 acres or 4,316 square feet identified as a portion of PIN #0701-41-7256 Tract C on the Buncombe County Tax Map. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 8th day of September, 2015.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 15-173

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOTOROLA, INC. FOR RADIO SYSTEM MAINTENANCE FROM AUGUST 1, 2015 THROUGH JULY 31, 2016

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the N. C. General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City requires maintenance coverage of its radio communications system; and

WHEREAS, the radio equipment for which warranty has expired during the past year needs to be incorporated into the service agreement; and

WHEREAS, the service renewal agreement provides for a fixed rate maintenance cost per unit of equipment for another one year period; and

WHEREAS, the City of Asheville and Motorola, Inc. wish to renew the service agreement and incorporate that radio equipment for which the warranty has expired; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with Motorola, Inc. on behalf of the City of Asheville for the purpose of maintaining the City's radio communications system and associated equipment.

Read, approved and adopted this the 8th day of September, 2015.

Magdalen Bulleson
City Clerk

E. Anne E. Mahr
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

254

RESOLUTION NO. 15- 174

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWGRASS FESTIVAL ON THE DATE OF SATURDAY, SEPTEMBER 19, 2015 FROM 12:00 PM – 8:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Brewgrass event area, as set forth in Exhibit A, attached.

   The Brewgrass Festival event area is within the boundaries of Memorial Stadium including a fenced extension onto adjacent City property.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Brewgrass Festival on Saturday, September 19, 2015 from 12:00 PM – 8:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt

beverages and/or unfortified wine are not allowed anywhere in the Brewgrass Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Brewgrass Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Brewgrass Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of September, 2015.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

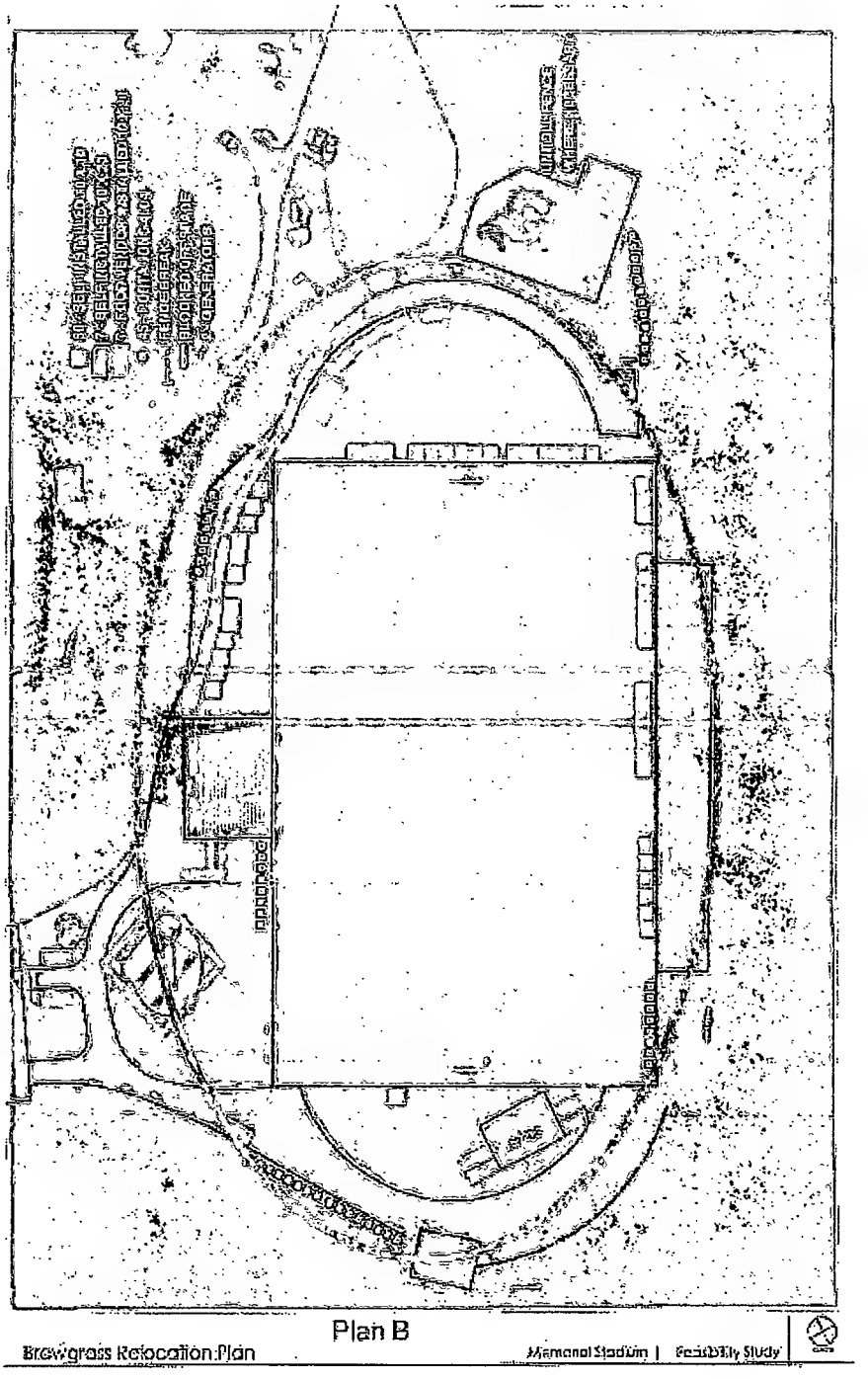
Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

256

EXHIBIT A



Alcohol Area

RESOLUTION NO. 15- 175

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BLUE RIDGE PRIDE IN PACK SQUARE PARK ON THE DATE OF SATURDAY, OCTOBER 3, 2015 FROM 11:30 AM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Blue Ridge Pride.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Blue Ridge Pride event area, as set forth on Exhibit A, attached.

   The Blue Ridge Pride event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, City-County Parking Lot, S. Spruce Street between College Street and Court Plaza, and N. Spruce Street between Walnut and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Blue Ridge Pride on Saturday, October 3, 2015 from 11:30 p.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans.

Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Blue Ridge Pride event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Blue Ridge Pride event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Blue Ridge Pride, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of September, 2015.

Magdalen Bullson
City Clerk

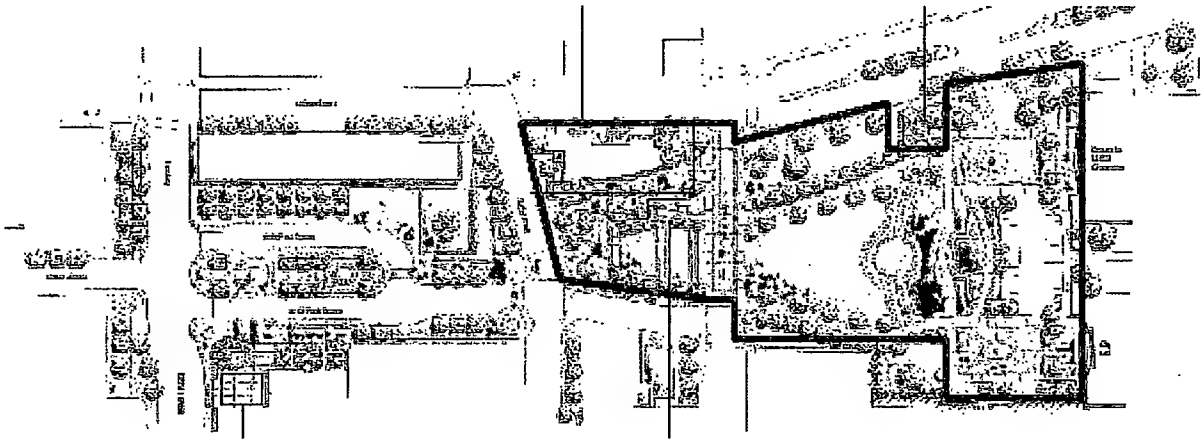
Esther C. Manheimer
Mayor

Approved as to form:

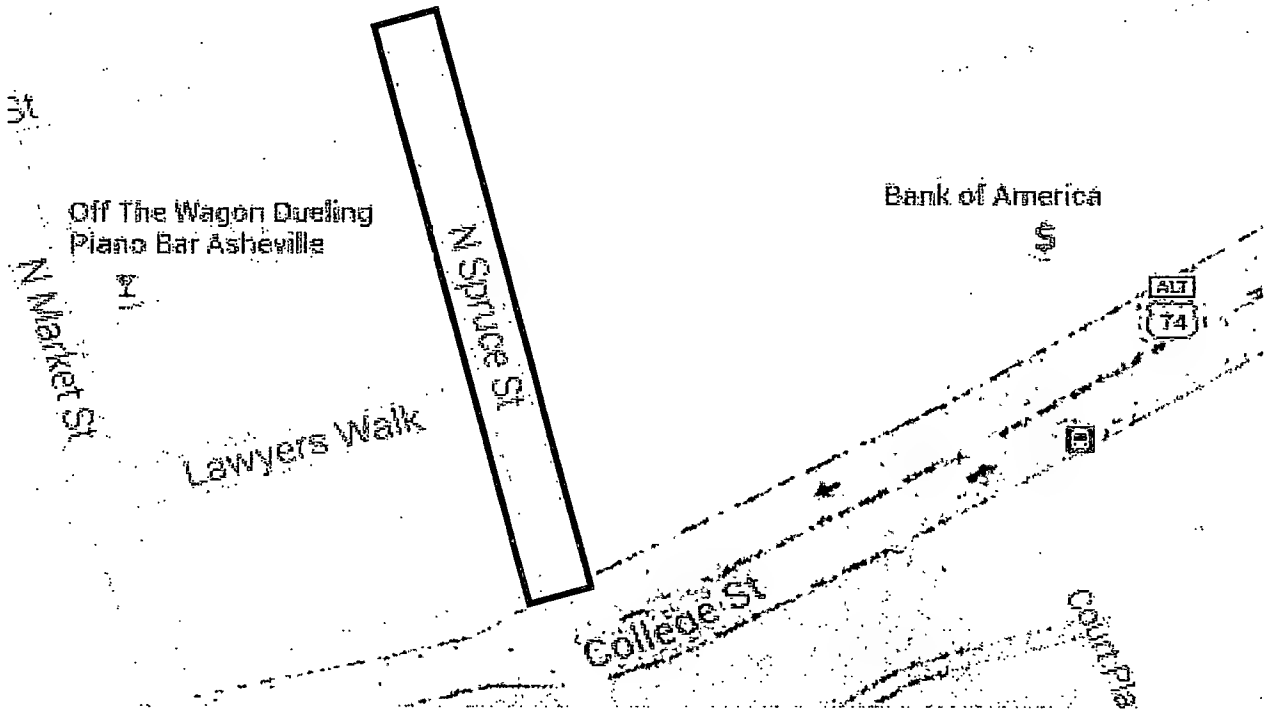
City Attorney

Magdalen Bullson
City Clerk

EXHIBIT A



Alcohol Area



260

RESOLUTION NO. 15- 176

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE NEW YEAR'S RESOLUTION RUN & WALK ON THE DATE OF JANUARY 1, 2016 FROM 8:30 AM – 12:30 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the New Year's Resolution Run & Walk.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the New Year's Resolution Run & Walk event area, as set forth in Exhibit A, attached.

   The New Year's Resolution Run & Walk event area is within the boundaries of Pack Square Park's Roger McGuire Green.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the New Year's Resolution Run & Walk on Friday, January 1, 2016 from 8:30 AM – 12:30 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages

and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the New Year's Resolution Run & Walk event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the New Year's Resolution Run & Walk event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the New Year's Resolution Run & Walk, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of September, 2015.

Magdalen Bowlson
City Clerk

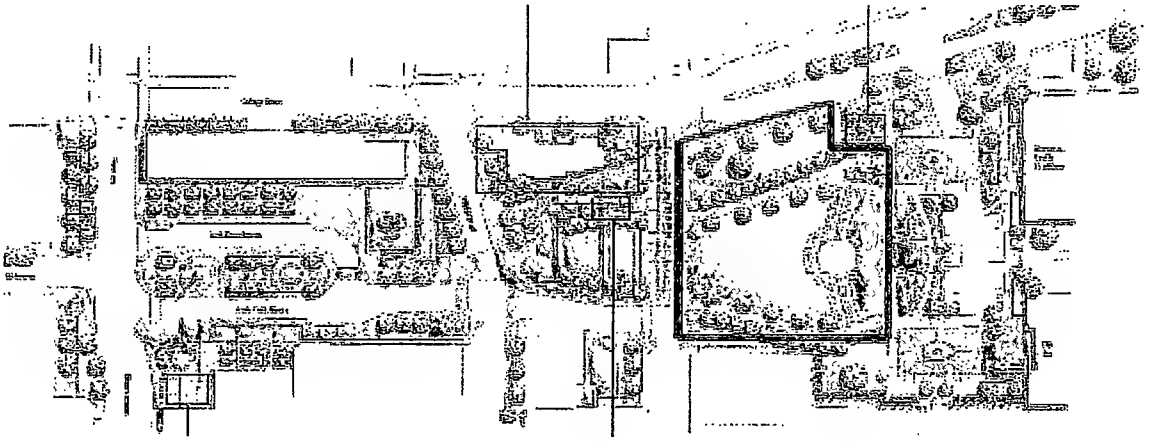
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 15-177

RESOLUTION TO SUPPORT REDISTRICTING REFORM

WHEREAS, the current redistricting process creates a conflict of interest – as State legislators are effectively choosing their own constituents; and

WHEREAS, the redistricting process should be conducted in an open manner with real opportunities for public dialogue and feedback, not behind closed doors; and

WHEREAS, legislative incumbents often draw districts that are not compact and split communities of interest; and

WHEREAS, important principles such as the protections of the Federal Voting Rights Act of 1965 and respect for neighborhoods and cities should be clearly listed for a Commission to abide by; and

WHEREAS, voters are more likely to participate when they feel that their vote will count and that they have a reasonable chance of electing candidates who represent their interests; and

WHEREAS, elected officials are more responsive to constituents when voters have a choice of candidates, thus increasing accountability and serving the best interests of the voters on North Carolina;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The State of North Carolina should establish an independent redistricting process that ensures diversity, partisan balance and geography, for all future redistricting.

Read, approved and adopted this 8th day of September, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 15-178

RESOLUTION ADOPTING THE HISTORIC PRESERVATION PLAN FOR ASHEVILLE AND BUNCOMBE COUNTY AS PART OF THE ASHEVILLE CITY DEVELOPMENT PLAN 2025

WHEREAS, the City of Asheville has a legacy of historical resources that are of considerable value to the regional economy and quality of life; and

WHEREAS, the Historic Resources Commission received a grant from the North Carolina State Historic Preservation Office to develop a master plan for historic preservation in Asheville and Buncombe County; and

WHEREAS, the Historic Resources Commission in partnership with the Preservation Society of Asheville and Buncombe County raised matching grant funds through private donations; and

WHEREAS, the Historic Resources Commission established an advisory committee with a diversity of interests to guide the development of the plan; and

WHEREAS, the Historic Preservation Plan for Asheville and Buncombe County reflects extensive public input received during the plan's preparation, including public meetings and topical focus groups; and

WHEREAS, the Historic Preservation Plan for Asheville and Buncombe County highlights the importance of public outreach and best management practices in historic preservation and the use of preservation as a tool to enhance quality of life, improve urban design, and promote economic development and environmental sustainability; and

WHEREAS, the Historic Preservation Plan for Asheville and Buncombe County is in alignment with the goals and strategies of the Asheville City Development Plan 2025 as they pertain to historic preservation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the proposed Historic Preservation Master Plan is hereby adopted and accepted as an official City planning document incorporated by reference into the official comprehensive plan of the City of Asheville, the City Development Plan 2025.

Read, approved and adopted this 8th day of September, 2015.

Magdalen Bowlson
City Clerk

Esther G. Manheimer
Mayor

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-179

RESOLUTION TO PERMANENTLY CLOSE AN UNNAMED ALLEY BETWEEN WYOMING RD. AND KEEBLER RD.

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unnamed alley between Wyoming Rd. and Keebler Rd.; and

WHEREAS, City Council on the 28th day of July, 2015, adopted a resolution of intent to permanently close the unnamed alley between Wyoming Rd. and Keebler Rd, and ordered a public hearing on the question of the closing for the 8th day of September, 2015, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order of said public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit presented to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along the unnamed alley between Wyoming Rd. and Keebler Rd; and

WHEREAS, Thomas Wolfe is proposing to dedicate a new right of way that will be of equal width to the proposed closure to allow continuous right of way around the proposed closure; and

WHEREAS, at said public hearing no objections were made that the proposed street closure would deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statutes Sec 160A-299, an unnamed alley between Wyoming Rd. and Keebler Rd., identified by the metes and bounds description which is attached hereto as Exhibit A and incorporated herein by reference, is permanently closed to public use as a public street.

This closing is subject to the retention by the MSD, its successors and assigns, of a 20-foot wide permanent easement for the operation and maintenance of sewer lines and accessories.

Read, approved and adopted this 8th day of September, 2015.

Magdalen Burleson
City Clerk

Edna E. Madison
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A

Description for unnamed alley between Wyoming Road and Keebler Road

Situated in the State of North Carolina, County of Buncombe, City of Asheville and being the portion of road right of way bounded by lots 2, 3, 37 and 39 on the plat titled "Revised Subdivision of Parts of Blocks "A" & "B" Property of Kenilworth Development Co." recorded in Plat Book 14, Page 2 at the Buncombe County Register of Deeds:

Beginning at a ½" rebar found at the southeast corner of said lot 37 along the northern margin of Wyoming Road. Said corner being South 87°52'53" East a distance of 17.99 feet and then North 84°20'07" East a distance of 44.21 from a magnetic nail found at the southwest corner of lands now owned by Robert F. Scheiderich as recorded in Deed Book 4344, Page 1764.

Thence along the eastern line of said Scheiderich lands **North 20°26'23" West** a distance of **68.76 feet** to a ½" rebar found at the southeast corner of lands now owned by Stephen J. and Elizabeth J. Carr as recorded in Deed Book 4141, Page 1738;

Thence along the eastern line of said Carr lands **North 20°25'55" West** a distance of **31.48 feet** to a calculated point;

Thence along the eastern line of said Carr lands **North 50°38'55" West** a distance of **74.78 feet** to a ½" Bent Rebar found at the northeast corner of said Carr lands along the southern right of way of Keebler Road;

Thence along a curve to the right with a radius of 100.00 feet approximately parallel to the curb for Keebler Road, a chord bearing of **South 85°49'08" East** and chord distance of **43.51 feet** to a calculated point along the western line of lands now owned by Stephen J. and Elizabeth J. Carr as recorded in Deed Book 4141, Page 1738;

Thence along the western line of said Carr lands **South 42°52'49" East** a distance of **46.29 feet** to a calculated point;

Thence along the western line of said Carr lands **South 20°17'08" East** a distance of **44.72 feet** to a magnetic nail set at the northwest corner of lands now owned by Robert F. Scheiderich as recorded in Deed Book 4344, Page 1764;

Thence along the western line of said Scheiderich lands **South 20°17'16" East** a distance of **64.34 feet** to a ½" rebar found along the northern margin of the Wyoming Road right of way;

Thence along the northern margin of the Wyoming Road right of way **South 84°22'14" West** a distance of **19.98 feet** to the Point of Beginning containing within said bounds **0.080 acres** (3,495 square feet) according to a survey performed by Robert K. Brady, Professional Land Surveyor 3959 in April, 2015.

RESOLUTION NO. 15-180

RESOLUTION APPOINTING MEMBERS TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE

WHEREAS, the terms of Julie Mayfield, Edward Hay and Jerome Jones expired on August 22, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Julie Mayfield, 109 Estes Court, Asheville, N.C., be and she is hereby reappointed a member of the HUB Community Economic Development Alliance to serve an additional three year term, term to expire August 22, 2018, or until her successor has been appointed.

(2) Mr. Edward Hay, 210 Blake Mountain Circle, Asheville, N.C., be and he is hereby reappointed a member of the HUB Community Economic Development Alliance to serve an additional three year term, term to expire August 22, 2018, or until his successor has been appointed.

(3) Mr. C. Jerome Jones, 42 Dover Street, Asheville, N.C., be and he is hereby reappointed a member of the HUB Community Economic Development Alliance to serve an additional three year term, term to expire August 22, 2018, or until his successor has been appointed.

Read, approved and adopted this 8th day of September, 2015.

Magdalen Bowlson
CITY CLERK

Ann E. Mahr
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-181

RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

WHEREAS, the terms of Hutch Kerns and Ashley Arrington, as members on the Recreation Board, expired on June 30, 2015; and

WHEREAS, Josh O'Conner and Patrick Dennehy have resigned from the Commission, thus leaving two unexpired terms until June 30, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Dean Pistor, One Page Avenue, Asheville, N.C., be and he is hereby appointed, as a member of the Recreation Board, to serve a three year term, term to expire June 30, 2018, or until his successor has been appointed.

(2) Ms. Helen Hyatt, 14 Swindale Street, Asheville, N.C., be and she is hereby appointed, as a member of the Recreation Board, to serve a three-year term, term to expire June 30, 2018, or until her successor has been appointed.

(3) Ms. Laura Carlson, 700 Longwood Lane, Asheville, N.C., be and she is hereby appointed, as a member of the Recreation Board, to serve the unexpired term of Mr. O'Conner, term to expire June 30, 2017, or until her successor has been appointed.

(4) Mr. Pat Dennehy, 482 Kimberly Avenue, Asheville, N.C., be and he is hereby appointed, as a member of the Recreation Board, to serve the unexpired term of Mr. Dennehy, term to expire June 30, 2017, or until his successor has been appointed.

Read, approved and adopted this 8th day of September, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-182

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM TO ASSIST THE ASHEVILLE POLICE DEPARTMENT WITH TRAINING AND TRAVEL EXPENSES FOR A REGIONAL PROGRAM LIAISON AND THE PURCHASE OF TRAFFIC ENFORCEMENT AND INVESTIGATION EQUIPMENT

WHEREAS, the City has authority pursuant to N.C. Gen. Stat. sec. 160A-17.1 to apply for and receive funds from the State and to enter into contracts for the administration of said grants; and

WHEREAS, the N.C. Governor's Highway Safety Program has invited the City of Asheville to submit a full grant application in the amount of $20,000 for the purchase of speed measuring instruments for police motorcycles, Crash Data Retrieval System Software annual subscription, laptop computers; and

WHEREAS, these items will assist the Asheville Police Department in the investigation and reduction of traffic crashes, with no required local funding match, as a requirement; and

WHEREAS, The Asheville Police Department promotes highway safety statewide by designating a member of the department to serve as the regional liaison for Highway Safety Program Region 10 which covers Buncombe, Henderson, Madison, Mitchell, Polk, Rutherford, and Yancey counties; and

WHEREAS, providing a regional liaison carries travel and training expenses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is herby authorized to apply for and enter into an agreement with the Governor's Highway Safety Program, for a grant in the amount of $20,000 with no required local funding match, to assist the Asheville Police Department with travel and training expenses related to providing a regional Highway Safety Program liaison and to purchase traffic enforcement and investigation equipment.

Read, approved, and adopted this 22nd day of September, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-183

RESOLUTION APPROVING A WRITTEN EXEMPTION FROM THE PROFESSIONAL SERVICES CONTRACT RFQ PROCESS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE EVALUATION OF THE FORMER MATTHEWS FORD SITE FOR MIXED-USE, MIXED INCOME REDEVELOPMENT IN COORDINATION WITH THE LEE WALKER REDEVELOPMENT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, N.C.G.S. §143-64.32 authorizes a written exemption from the RFQ process for professional service contracts in an amount less than $50,000 upon approval by the local government; and

WHEREAS, the City Council wishes to further the goal to improve citizen equity by reducing disparity gaps with an emphasis on education and socio-economic mobility; and

WHEREAS, the City Council wishes to expand Asheville's supply of quality, affordable homes for current and future residents; and

WHEREAS, the former Matthews Ford site has the potential to accomplish both goals but needs to be evaluated for the feasibility of accomplishing the goals; and

WHEREAS, Kimley-Horn and Associates, Inc. is qualified to perform such work;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A written exemption from the RFQ process for this contract is hereby approved and the City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Kimley-Horn and Associates, Inc. for $30,000 to provide potential redevelopment options for the former Matthews Ford property.

Read, approved and adopted this the 22th day of September, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

272

RESOLUTION NO. 15-184

RESOLUTION AUTHORIZING THE PURCHASE OF 1-INCH, 1 ½-INCH, AND 2-INCH METER BOXES FOR THE WATER RESOURCES DEPARTMENT FROM SOLE SOURCE VENDOR FORTILINE WATERWORKS

WHEREAS, N.C. General Chapter 143, Article 129 details procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. 143-129 (e) identifies exceptions to those procedures as they relate to procurement contracts; and

WHEREAS, item (6) of G.S. 143-129 (e) states that the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, materials or equipment without formal bidding when "(ii) a needed product is available from only one source of supply or (iii) standardization or compatibility is the overriding consideration."; and

WHEREAS, Fortiline Waterworks has been identified as the "sole source" for new mid-size meter boxes for the Water Resources Department per the requirements of the Standard Details dated November 2011; and

WHEREAS, the sole source with Fortiline Waterworks will be for 12 months and then renewed annually unless new mid-size meter boxes are approved; and

WHEREAS, funds from the Water Resources Department's Operating budget are available for the procurement of the new meter boxes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorize the purchase of mid-size meter boxes as permitted under N.C.G.S. 143-129 (e) (6) from sole source vendor Fortiline Waterworks.

Read, approved and adopted this 22nd day of September, 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-185

RESOLUTION INCREASING THE LIVING WAGE RATE FOR FULL- AND PART-TIME CITY EMPLOYEES AND INCREASING ITS APPLICABILITY TO ALL CITY EMPLOYEES

WHEREAS, the Asheville City Council has adopted a strategic plan that includes a goal to make Asheville affordable for people of all incomes, life stages and abilities; and

WHEREAS, a living wage is the amount that a worker must earn to afford his or her basic necessities without public or private assistance; and

WHEREAS, on May 22, 2007, the Asheville City Council adopted a living wage for full- and part-time City employees; and

WHEREAS, in April 2011 and March 2012, the Asheville City Council adopted a resolution setting the living wage at $11.35/hour without employer provided health insurance and $9.85/hour with employer provided health insurance; and

WHEREAS, in June 2013, the Asheville City Council adopted a resolution increasing the living wage to $11.85/hour without employer provided health insurance and $10.35/hour with employee provided health insurance and deemed it advisable to revisit the amount of the living wage each year during the annual budget process; and

WHEREAS, based on data provided by Just Economics, the living wage rate has increased; and

WHEREAS, the Asheville City Council desires to increase the living wage rate and to increase the applicability of the living wage provisions to all City employees regardless of full or part-time status, including temporary seasonal employees

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Living Wage for Fiscal Year 2015-2016 be set at $12.50/hour without employer provided health insurance and $11.00/hour with employer provided health insurance and that the living wage provisions shall apply to all City employees regardless of full or part-time status, including temporary seasonal employees.

Read, approved and adopted this 22nd day of September, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

274

RESOLUTION NO. 15-186

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE BUREAU OF JUSTICE ASSISTANCE OF THE DEPARTMENT OF JUSTICE

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants and to enter into contracts for the administration of said grants; and

WHEREAS, the US Department of Justice (DOJ), has awarded the City of Asheville the amount of $50,434 through the Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) programs for the purchase of Conducted Electrical Weapons and equitable distribution of funds to Buncombe County Sheriff's Office;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept and enter into an agreement with the US Department of Justice, for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $50,434. APD will spend $38,322 for the purchase of Conducted Electrical Weapons, while BCSO will be awarded $12,112.

Read, approved, and adopted this 22nd day of September, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION 15- 187

RESOLUTION AMENDING THE CITY OF ASHEVILLE'S LAND USE INCENTIVE POLICY

WHEREAS, pursuant to N.C. Gen. Stat. § 158-7.1, the City is authorized to make appropriations for the purposes of aiding and encouraging the location of manufacturing enterprises, making industrial surveys, and locating industrial and commercial plants in or near the City; encouraging the building of railroads, or other purposes which, in the discretion of the City Council, will increase the population, taxable property, agricultural industries, and business prospects of the City; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-456, the City of Asheville is authorized to appropriate and expend funds for community development programs and activities, including funds for housing for low and moderate income persons; and

WHEREAS, the Asheville City Council first adopted the Transformational Development Projects Incentive Policy by Resolution No. 10-240 on November 9, 2010 and amended this Policy by Resolution No. 11-50 on March 8, 2011;Resolution No. 12-9 on January 10, 2012; and by Resolution 14-182 on August 26, 2014; and

WHEREAS, the Asheville City Council believes it is important to support development that furthers the public purposes encompassed in the major elements of the Council's Strategic Plan and the City's 2025 Comprehensive Plan and other adopted plans, including the provision of work force and affordable housing ; and

WHEREAS, the Asheville City Council believes it is necessary to modify and clarify the City's existing Land Use Incentive Policy ("LUIP") in order to further encourage the use of the LUIP and to more specifically set forth the requirements and considerations for Council approved appropriations for affordable housing under the statutory authority listed above;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City's Land Use Incentive Policy is hereby revised as shown on Exhibit A, attached hereto and incorporated here by reference and this version hereby replaces and supersedes all prior amendments to this Policy.

Read, approved and adopted this 22nd day of September, 2015.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

LAND USE INCENTIVE POLICY
AS AMENDED SEPTEMBER 22, 2015

Authority and Purpose:
This policy is approved pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 and is intended to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville. These public purposes include the following, which are also principal components of the City's annual strategic goals and other adopted plans: 1) the development of affordable and workforce housing. This Policy will serve to, among other things, increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456.

Process and City Council Review:
The City Council will review applications which seek grants under this Policy according to the requirements and procedures set forth in N.C. Gen. Stat. § 158-7 and § 160A-456, and those which are set forth herein. The Council's decision to make a Land Use Incentive Grant, and the amount of any Grant which is allowed, while within the discretion of the City Council, shall be guided by this Policy.

The City Staff will accept and evaluate Land Use Incentive Grant applications submitted pursuant to this Policy for compliance with, among other things, this Policy's requirements and goals, and the City's adopted Strategic Plan and any other applicable City plans. The Staff will also evaluate the number of potential points which a project could achieve under the Policy, and will then provide a report to the City Council, with a recommendation based upon the foregoing analysis.

The Housing and Community Development Committee ("HCD") of the City Council will review the staff assessment and make a recommendation to the full Council.

Following the HCD review, the City Council will hear the staff assessment report and the Applicant's request and set a public hearing. Following the public hearing, the Council will make a discretionary determination as to whether to award the requested Grant, and the amount of any Grant awarded, based on its overall evaluation of the submitted project, not just the number of points.

Every 10 points can earn one year of economic incentive (equivalent to City property taxes in excess of currently assessed taxes for one year annually applied, *to be dated from the date of release of all occupancy permits for the project).* The baseline rents defining "affordable" and "workforce" housing shall be the rents, for income and household size and determined by the number of bedrooms in qualified residential units, as published by Community Development Division for the year in which the Certificate of Occupancy is issued.

Every 10 points can also earn a 10% reduction in the following fees and charges: Zoning Permit, Building Permit, Driveway Permit, Grading Permit, Plan review fees and Water service connection fee. *This reduction is in addition to the existing fees rebated for affordable housing projects.* Affordable housing projects eligible for the 50% fee waiver are eligible for additional fee waivers for points awarded to the project above 50 points. Permit fees must be paid according to the schedule of fees published by the City of Asheville; the LUIG grant will rebate the percentage of those fees as determined by Council, after the release of the all occupancy permits for the project.

Requirements:

The following are requirements, which must be met in order for the City Council to consider a Land Use Incentive Grant application. Applications which do not meet these minimum requirements are not permitted to request a Grant or participate in this Policy.

- The proposed development must consist of three or more dwelling units for rent;
- At least 10% of the units must meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income.
- The affordable units must be affordable to and leased to income-eligible households for at least 15 years.
- The proposed development must be located inside the city limits.
- The proposed development must be located to provide residents convenient access to jobs, schools and services. The LUIG applicant must provide information that describes how the development meets this criterion, and address walkability, access to multi-modal transportation and show locations of jobs, schools and services and their distance from the development. Generally, a walking distance of one-half mile or less to centers of businesses, education and services, or to an already established transit stop, is considered convenient access. However, an applicant may make a case for convenient access that falls outside of that definition.

Point System:

The following point system will guide the City Council in determining the actual amount of the Grant. Because the point system is a guide, the City Council is authorized to allow more or less points on any particular factor, depending upon, among other things, the characteristics, and potential benefits and/or detriments of an individual project.

Affordable Rental Housing

Affordability is the key scoring element. In order to qualify for points under this scoring element, an applicant must commit to providing rental units for a full 15 year term that meet the City of Asheville published "affordable housing" rents, and lease to income-eligible households earning 80% or less of area median income for each of those 15 years. The

following table shows the number of points awarded for the percentage of the total project unit count that is committed to Affordable Rental Housing:

10%+ affordable	20 Points
20%+ affordable	30
30%+ affordable	40
40%+ affordable	50
50%+	60
60%+	70
70%+	80
80%+	90
90%+	100

- Verification of income at initial lease-up is required, but no additional verification is required as long as the qualified tenant remains in residence in the unit.
- When qualified units become vacant, they must be leased to income-qualified tenants, with verification of income is required, and for a rent that does not exceed the published maximum rent for the year in which the unit is being rented.
- The affordable unit must be made available within 60 days of its vacancy.

Workforce Rental Housing

In order to qualify for points under this scoring element, an applicant must commit to providing workforce rental units for a full 15 year term that meet the City of Asheville published "workforce rents," and lease to income-eligible households earning 120% or less of area median income for each of those 15 years. The following table shows the number of points awarded for the percentage of the total project unit count that is committed to Workforce Rental Housing:

25%+ workforce	5 Points
50%+ workforce	10
75%+ workforce	15

- Verification of income at initial lease-up is required, but no additional verification is required as long as the qualified tenant remains in residence in the unit.
- When qualified units become vacant, they must be leased to income-qualified tenants, with verification of income is required, and for a rent that does not exceed the published maximum rent for the year in which the unit is being rented.
- The workforce unit must be made available within 60 days of its vacancy
- If a combination of Affordable and Workforce Rental Units are provided in a single development, the total combined percentage of affordable and workforce is used to determine the percentage of workforce units in the project .

Superior locational efficiency

Superior locational efficiency is encouraged. Any qualified development meeting the following characteristics will be eligible for additional points as noted:

Within .25 mile of an existing bus-stop served by one-half hour ART transit frequency	10 Points
Within .5 mile, of an existing public school, full-service grocery store, or ART bus stop, when served by an existing or concurrently developed sidewalk or marked and maintained multi-modal path,	5
Within 1 mile of designated job center: Asheville downtown, Mission Hospital main campus, Biltmore Town Square	5

Longer Term Affordability

Long-term affordability is a high priority. A qualified development meeting the following criteria will be eligible for additional points as follows:

Affordable for at least 20 years	10 Points
Affordable for at least 30 years	20

Brownfield Redevelopment:

Brownfield redevelopment is encouraged. Applicants who also qualify for State of North Carolina Brownfield Redevelopment grants may request that payment of their Land Use Incentive Grant be extended beyond the awarded term, in order to be able to use both grants. However, the Land Use Incentive Grant amount will be calculated starting from the year of the Certificate of Occupancy, even if the actual payment of the grant extends beyond the awarded term.

Scoring Table

Points	5	10	15	20	30	40	50	60	70	80	90	100
10%+ Affordable				x								
20%+ Affordable					x							
30%+ Affordable						x						
40%+ Affordable							x					
50%+ Affordable								x				
60%+ Affordable									x			
70%+ Affordable										x		
80%+ Affordable											x	
90%+ Affordable												x
25%+ Workforce	x											
50%+ Workforce		X										
75%+ Workforce			x									
Mixed-Use (minimum 10% non-residential)	x											
Location: .25 mile ½ hour transit stop		x										
Location: 1 mile from job center	x											
Location:.5 mile from transp. Amenity	x											
Tenant Affordability: 20 years		x										
Tenant Affordability: 30 years				x								

Other Procedures, Considerations and Potential Amount of Land Use Incentive Grant

Application Procedure:

- Applications shall be in the form of a letter written to the City Staff contact.
- The application letter should indicate clearly how the project meets the grant eligibility requirements, and the score it should receive under each of the scoring elements, as well as noting the total score.
- The application letter should clearly indicate who the developer contact person is, and how that person can be contacted.
- The application letter must provide the PIN Number of the property to be developed, the current tax value of the property, and an estimate of the tax value of the project post-completion.
- The application letter must estimate the cost of permits eligible for the permit rebate.

- The application letter must provide an estimated start date for project construction, and an estimated date for project completion and issuance of all occupancy approvals.
- Applications must be received at least 10 days before a regularly scheduled Housing and Community Development Committee meeting.
- The applicant should expect the application to be considered in three meetings open to the public: 1) at a regular meeting of the Council Housing and Community Development Committee; 2) at a regularly scheduled City Council meeting, when a motion to hold a public hearing will be formally considered; 3) at a regularly scheduled City Council meeting when the public hearing will be heard, and the grant request will be formally considered by Council. Approval of a Land Use Incentive Grant under this Policy requires a public hearing and approval by the City Council, per N.C. Gen. Stat. § 158-7.1.
- Unless granted an exemption from the City Council for just cause shown, no Grant will be allowed under this Policy for projects which have received building permits.
- If approved, City staff will prepare a Land Use Incentive Grant Agreement, to be reviewed by the City Attorney, which will detail the specific terms of the grant. These including, but not limited to:
    - An estimated award, based upon the estimated difference between the current property tax value and the estimated tax value post completion, and the Council approved Land Use Incentive Grant. The actual grant will be based upon the actual assessed value at the completion of construction, as determined by the Buncombe County Tax Assessor.
    - The number of units that must be provided at affordable or workforce rents, and the duration of time those rents must be provided.
    - Monitoring criteria and provisions/penalties for non-compliance.

<u>Reporting:</u>

- Any project receiving an incentive related to provision of affordable or workforce housing must provide:
    - An annual report to the City, providing both a complete rent roll and income and household size of income qualified tenant, and unit number correlated to rent roll, establishing compliance with the LUIG requirements.
- The City of Asheville may, upon 10 days written notice, inspect the rent role and household income verification records.
- If the project is out of compliance, it will have 30 days to become in compliance.
- If the project is not in compliance within that time frame, then the Land Use Incentive Grant agreement will become null and void and all prior grant funds must be returned to the City.

For more information, contact:

Jeff Staudinger, Assistant Director
Community and Economic Development Department
828-259-5723, jstaudinger@ashevillenc.gov

RESOLUTION NO. 15--188

RESOLUTION AMENDING THE 2015 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council organizational meeting will be held on Tuesday, December 1, 2015, beginning at 4:00 p.m. in the Council Chamber, located on the 2nd Floor of the City Hall Building.

Read, approved and adopted this 13th day of October, 2015.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-189

RESOLUTION DIRECTING THE CITY MANAGER TO ESTABLISH AN OPEN DATA POLICY FOR THE CITY OF ASHEVILLE FOR SUSTAINING PUBLIC DATA AVAILABILITY USING OPEN DATA STANDARDS

WHEREAS, the City of Asheville (City) is committed to using technology to foster open, transparent, and accessible government; and

WHEREAS, the City has been a leader in open data since hosting Open Data Day in October 2012; and

WHEREAS, the Asheville City Council supports the efforts of the City Manager and staff to promote open data; and

WHEREAS, by sharing data freely, the City seeks to develop opportunities for economic development, commerce, entrepreneurship and civic engagement; and

WHEREAS, Open Data, proactively disclosing City data, is a foundational element of Open Government, is consistent with citizens' right to public information, and promotes civic engagement with the potential benefit of civic development of technology products and infrastructures to improve service delivery through expanded and innovative applications, among other things; and

WHEREAS, publishing structured standardized data in machine readable formats creates new opportunities for information from different sources to be combined and visualized in new and unexpected ways, for niche markets to be identified and developed, and for citizens to browse, interpret and draw attention to trends or issues with greater efficiency; and

WHEREAS, the use of open data exchange standards maximizes transparency, access to public information, and coordination and efficiencies among organizations across the public, nonprofit and private sectors; and

WHEREAS, the City encourages the local software community to develop software applications and tools to collect, organize and share public data in new and innovative ways that benefit both citizens and government; and

WHEREAS, software applications and tools that enable citizens to access, visualize, and analyze public information will support informed public engagement and encourage citizens to provide feedback on local issues;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Council hereby directs the City Manager to adopt an Open Data Policy in accordance with the following schedule and guidelines:

Section I. Within one hundred eighty days of the effective date of this resolution, that the City's Information Technology Services (ITS) Department shall prepare and publish guidelines setting forth the technical standards for the publishing of public data sets in raw or unprocessed

form through a single web portal by city departments for the purpose of making public data available to the greatest number of users and for the greatest number of applications.

Section 2. The City's Communication and Public Engagement Division will solicit feedback on the technical implementation plan within 60 days of its preparation.

Section 3. The Communication and Public Engagement Division will coordinate annual opportunities for community collaboration related to the City's Open Data program.

Section 4. The City's ITS Department will work with all city departments to publish an initial open data release plan within twelve months of the passing of this resolution. This plan will serve as a guide for the city to post their datasets to a single online open data catalog.

Section 5. The ITS Department will, whenever practical, work to ensure that new software systems used by the City are designed to facilitate the release of open data as defined by state and federal law;

Section 6. City Departments will follow best practices identified by the City Manager and the ITS Department with regard to open data.

Section 7. The City shall maintain an open data website that will serve as an open data catalog of the data available from the City.

Section 8. The City's ITS Department shall make every reasonable effort to ensure data are published in machine readable formats using prevailing open standards for data, documents, maps, and other formats of media.

Section 9. The City will make all open data available with a license that allows for free re-use to ensure clarity of copyright and to waive legal responsibility for all published data.

Section 10. All public data sets shall be updated on the open data catalog as often as necessary to preserve the integrity and usefulness of the datasets. Whenever feasible, these updates shall be automated.

Section 11. City staff will provide the City Council Governance committee an informational report every six months which evaluates the implementation, successes and barriers, and public uses resulting from the Open Data policy for the first two years after this policy is adopted and once every year thereafter.

Read, approved and adopted this 13th day of October, 2015.

Magdalen Bourleson
City Clerk

Ann E. Mark
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-190

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT AND RECEIVE GRANT FUNDS UNDER THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants; and

WHEREAS, the North Carolina Governor's Highway Safety Program has invited the City of Asheville to submit a grant contract in the amount of $411,331 for the implementation of year three (3) of the DWI Task Force that would enforce DWI laws and provide community education on traffic safety issues in Asheville and Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with the North Carolina Governor's Highway Safety Program, for a grant in the amount of $411,331 to continue year three of the DWI Task Force in Asheville and Buncombe County.

Read, approved, and adopted this 13th day of October, 2015.

Magdalen Bourneson
CITY CLERK

Edwin E. Marks
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bourneson
City Clerk

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RESOLUTION NO. 15-191

RESOLUTION APPROVING CO-SPONSORSHIP OF THE AFFORDABLE CARE ACT OPEN ENROLLMENT KICK-OFF SPEARHEADED BY PISGAH LEGAL SERVICES.

WHEREAS, the City of Asheville has the authority pursuant to N.C.G.S. 160A-20.1, to contract with and appropriate money to persons and organizations carrying out a public purpose; and

WHEREAS, Pisgah Legal Services has met the current criteria for city sponsorship, representing a public purpose for the Affordable Care Act Open Enrollment Event to be held at the U.S. Cellular Center on November 7, 2015; and

WHEREAS, the Open Enrollment Event is in line with City Council Strategic goals of Affordability and Economic Mobility and High Quality of Life;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Affordable Care Act Open Enrollment Kick-off, spearheaded by Pisgah Legal Services, on November 7, 2015, is approved as a city sponsored event.

Read, approved and adopted this 13 day of October, 2015.

Magdalen Bowlesom
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesom
City Clerk

RESOLUTION NO. 15-192

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH J & E CONCRETE CONSTRUCTION, LLC. FOR THE PROJECT KNOWN AS CONCRETE MAINTENANCE AND ADA IMPROVEMENTS - FISCAL YEAR 2016

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Concrete Maintenance and ADA Improvements FY16, City of Asheville Project # CPM-15-16-001; and

WHEREAS, J & E Concrete Construction, LLC. of Harmony, NC, was the lowest responsible bidder for the project, in the amount of $165,448.50, and

WHEREAS, the project involves the Repair of Concrete Infrastructure that has Been Damaged or is in Need of Maintenance; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $165,448.50 with J & E Concrete Construction, LLC. for the project known as Concrete Maintenance and ADA Improvements, FY 16, City of Asheville Project # CPM-15-16-001. The City Manager is also authorized to execute any change orders to said contract which may arise during the execution of said project up to the budgeted amount of $200,000.

Read, approved and adopted this the 13th day of October, 2015.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15-193

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MCGILL ASSOCIATES, PA FOR THE PROJECT KNOWN AS 2015 MEDIAN MAINTENANCE PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City issued a Request for Proposals for services to address landscape and maintenance within the City of Asheville's median and bulb-out locations; and

WHEREAS, four (4) proposals were received on May 18, 2015; and

WHEREAS, these proposals were evaluated by a six (6) person panel based upon qualifications; and

WHEREAS, the highest scoring proposal was submitted by McGill Associates, PA; and

WHEREAS, the amount of the Agreement is $58,200.00 and the monies have been budgeted in the Public Works Department's 2015-2016 Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with McGill Associates, PA for $58,200.00 plus 10% contingency for the project known as 2015 Median Maintenance Project, City of Asheville Project #CPM-14-15-012, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount of $64,020.00.

Read, approved and adopted this the 13th day of October, 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-194

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE TRANSIT PLANNING PROGRAM, SECTION 5303 METROPOLITAN PLANNING PROGRAM OF THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, funds for FY 2015-16 are available from the North Carolina Department of Transportation (NCDOT) through the Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program; and

WHEREAS, the City of Asheville has received financial assistance in the amount of $75,000 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $7,500; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to fund the transit planning program, Section 5303 Metropolitan Planning Program of the Federal Transit Administration (FTA) for FY 2015-16.

Read, approved and adopted this 13th day of October 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 15-195

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF ROCKY MOUNT TO PROCURE TRANSIT BUSES

Whereas, pursuant to Chapter 160A, Article 20, Part 1, of the North Carolina General Statutes, local governments may team up with each other to accumulate requirements for procurements in order to lower prices; and

Whereas, the City of Rock Mount, North Carolina, is in the process of issuing an invitation for bids for the procurement of buses for its public transportation fleet; and

Whereas, representatives of the City of Asheville Transportation Department have reviewed the specifications for the public transit fleet for the City of Rocky Mount and determined that such specifications are consistent with the specifications required for the City of Asheville public transit fleet and provided the City of Rocky Mount with any additional requirements and specifications for Asheville public transit fleet; and

Whereas, the City of Rocky Mount, is receptive to working with the City of Asheville to engage in cooperative procurement of buses for each of the unit's public transportation fleet; and

Whereas, City staff recommend that the City Council authorize the Mayor to execute an interlocal agreement with the City of Rocky Mount for the procurement of transit buses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY CONCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to enter into an Interlocal Agreement with the City of Rocky Mount to procure transit buses subject to the approval of the City Attorney.

Read, approved and adopted this 13th day of October, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 15- 196

RESOLUTION ACCEPTING THE REPORT PREPARED BY CITY STAFF FOR THE FLOOD MITIGATION ACTION ASSOCIATED WITH THE REPETATIVE LOSS AREA ANALYSIS REPORT

WHEREAS, Buncombe County has performed a comprehensive review and evaluation of each section of the previously approved All-Hazard Mitigation Plan and has updated the said plan as required and according to guidance issued by FEMA and the North Carolina Division of Emergency Management, and

WHEREAS, the participation in the Community Rating System program, which Asheville is currently a member requires the city to provide a Repetitive Loss Area Analysis and to report on those Flood Mitigation Action Items on an annual basis, and

WHEREAS, the City wishes to continue to promote public safety and welfare through the continued participation in the Community Rating System Program, and

WHEREAS, City Staff has provided Council with the annual Flood Mitigation Action Items report as it relates to the Repetitive Loss Area Analysis;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville does hereby receive and accepts the report prepared by City Staff for the annual Repetitive Loss Area Analysis Flood Mitigation Action Items, attached hereto as Exhibit A, and authorizes its submission to the Insurance Services Office and the Federal Emergency Management Agency as part of the annual Community Rating System report which is to be signed by the City Manager.

Read, approved and adopted this the 13th day of October, 2015.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

EXHIBIT A

Flood Mitigation Actions

Report to Council

10-13-15

As part of an ongoing effort to reduce flood hazards and damage costs associated with repetitive flood losses, the City has prepared a set of flood mitigation action items. Each action item listed below includes a description of the action and what actions have been taken over the past year.

Action Item 1

The City will continue its flood hazard mitigation public outreach efforts by meeting with property owners in each of the repetitive loss areas to make certain they understand the risks associated with flooding, and encourage owners to consider flood protection measures outlined in this analysis and related publications.

Actions:

The city has extensive flood related information available on the City's Public Works Department's website. This website has links to interactive tools to research properties within the special flood hazard area along with the Biltmore Village Emergency Response Plan which was developed in partnership with the US Army Corps of Engineers. Also present is information related to what to do before floods, during a flood and after flooding.

The Public Works Department sent out letters to each property owner located within the Repetitive Loss Areas with information related flood protection and actions the property owners could take to help minimize damage from flooding.

As development takes place within the Repetitive Loss Area (RLA), the City's Development Services Staff works with property owners and engineers to inform them of the protection measures required for their development.

The City's Riverfront Redevelopment office holds monthly walk in meetings with the community to allow for ongoing discussion about development within the special flood hazard area.

Action Item 2

The City will identify any structures within each of the RLAs that are not permitted for occupancy and proceed with standard enforcement actions to bring the structures into compliance or have them removed.

Actions:

The City's Development Services Department is working to identify such properties and make notifications to these property owners. As these properties that are not permitted for occupancy arise, staff will take action to notify the property owners of the non compliance and provide them with what the requirements are to meet current standards.

Action Item 3

The City will consider the feasibility of a flood warning system in one or more of the RLAs to assist in advance notice to property owners of an impending flood. Given the fact that most of the structures in these areas will require some form of flood protection preparation prior to an event, a flood warning system may be a valuable asset.

Actions:

The City's Public Works Department, partnering with the US Army Corps of Engineers is continuing the flood mitigation project within the Swannanoa River basin. As part of this continuing effort which will consider both structural and non structural alternatives to flood control, a flood warning system is being considered. The final feasibility report with the recommendations for the flood mitigation project is expected in late 2016 to early 2017.

The Public Works Department and the Asheville Fire Department is working to develop stream elevation thresholds in which flooding occurs to allow for coordination with other emergency management agencies throughout the area to notify citizens of potential threats of flooding. This is currently in the development stages.

Moving forward

Various city departments' work together to complete the flood mitigation actions tasks necessary for the Community Rating System (CRS). City staff is honored to be part of the CRS program which currently provides citizens who hold flood insurance a 10 percent reduction in the annual premiums. Staff will continue to work closely together to implement the flood mitigation action items associated with Repetitive Loss Area Analysis report. Staff will also look for opportunities to continue the flood mitigation efforts ongoing with the special flood hazard areas.

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RESOLUTION 15- 197

RESOLUTION ADOPTING A NEIGHBORHOOD SIDEWALK POLICY

WHEREAS, cities in North Carolina may build sidewalks and other pedestrian transportation network elements within their boundaries; and

WHEREAS, cities in North Carolina may spend available funding to build sidewalks and other elements of pedestrian transportation networks; and

WHEREAS, cities in North Carolina may choose what sidewalks or other pedestrian transportation network elements to build; and

WHEREAS, the City Council of the City of Asheville has established neighborhood sidewalk budget; and

WHEREAS, the City Council of the City of Asheville wishes to establish a clear and understandable way of prioritizing and selecting neighborhood sidewalk projects, and

WHEREAS, the City Council of the City of Asheville believes that the attached policy will achieve these goals;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Neighborhood Sidewalk Policy, attached hereto as Exhibit A, shall be put into use by city staff in guiding investment of neighborhood sidewalk funds.

Read, approved and adopted this 13th day of October 2015.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

Exhibit A

Neighborhood Sidewalk Policy

Applicability. This policy along with Appendix A, attached hereto and incorporated hereby by reference, applies to sidewalks constructed with funding identified in the city's Neighborhood Sidewalk capital category.

Definition. Neighborhood sidewalks are paved pedestrian facilities that are parallel to, but with some physical separation from, streets that are classified as minor arterials, collectors, or local streets and are located within primarily residential areas. They have the purpose of creating safe connectors to education, business, transportation, recreational, or government centers.

Minimum requirements for consideration. This policy applies to all residential neighborhood streets that are identified as a needed linkage in the approved Pedestrian Master Plan. Primary streets (i.e. US and NC numbered routes) are not included in the universe of neighborhood streets. In addition, streets that do not meet the minimum traffic volume specified to necessitate sidewalks for new development or redevelopment shall not be considered for construction under this policy. That minimum volume is currently 300 vehicles per day.

Prioritization. Within the available funding, projects shall be selected based on their compliance with the following prioritization criteria:

Initial Screening Factors. Streets that meet the minimum requirements for consideration, above, will then be screened to prioritize the factors described below.

- **Proximity to destinations**. Potential projects will be rated on proximity to transit and to community destinations. These elements will be additive (proximity to a school AND proximity to a transit stop AND proximity to ...). The community destinations include:
  - Transit stops (within 1/4 mile)
  - Major grocery stores (within 1/2 mile)
  - Asheville City Parks (within 1/2 mile)
  - Asheville City Recreation Centers (within 1/2 mile)
  - Buncombe County Libraries (within 1/2 mile)
  - Schools, see Appendix for details (within 1/2 mile)

- **Zoning. Areas with residential zoning at a density of 8 dwelling units per acre or higher (RS8, RM8, RM16).**

- **Demographics. Prevalence of low-income households and of no-vehicle households.**

- **Safety**
  - Pedestrian Crashes. Crashes reported within 5 years and along the project segment or within 150 feet of each end of the segment and along the same street. Using most recent 5-year NCDOT or City of Asheville data available.
  - Traffic Volume. Using either actual or estimated count, as available.

Secondary Screening Factors. Secondary screening factors will be applied to the top-ranking projects as determined by the initial screening process. The number of projects to consider in the secondary screening process will be based on the anticipated funding available.

- **Connectivity. The project must contribute to the continuity of the transportation network.**

- **Presence/Absence of Sidewalk on one side of the street. If a continuous sidewalk already exists on one side of the street, sidewalk for the second side of the street will not normally be considered for construction under this program.**

- **Construction feasibility, including available funding, geographic constraints, and right-of-way. Adequate right-of-way and/or easements must exist or be donated to the city.**

- **Geographic distribution. In the event that there are two or more similarly ranked projects and a choice must be made between them, consideration will be given to achieving distribution of projects across the city to the extent that is reasonable.**

Public Input. Recognizing that public input is vital to all planning, the public was consulted as to the contents of this Policy prior to adoption, as more specifically described in Appendix A. The public shall be consulted at reasonable intervals to ensure that the Policy continues to reflect the community's vision. It is anticipated that the first reassessment of this Policy shall be within five years of implementation.

Future Involvement of the Neighborhood Sidewalk Committee. The committee will meet as necessary to advise staff or revise this policy, as requested by city staff or by the Asheville Multimodal Transportation Commission.

Appendix A, Neighborhood Sidewalk Policy

The purpose of this appendix is to expand on certain elements in the policy. This appendix has the same organization as the policy. If a section in the policy is not listed here, no information beyond that in the policy was considered necessary.

Minimum requirements for consideration. This section includes reference to a minimum traffic volume for requiring sidewalk for development/redevelopment projects. That minimum volume is currently 300 vehicles per day.

Prioritization

Initial Screening Factors

- **Proximity to destinations**. The destination elements will be additive (proximity to a school AND proximity to a transit stop AND proximity tc ...).
  - **Transit stops.** Source: City of Asheville GIS data
  - **Major grocery stores**. This includes full line grocery stores, not convenience stores or other limited-inventory stores. Source: data set created and entered into GIS for this project
  - **Asheville City Parks.** Source: City of Asheville GIS data
  - **Asheville City Recreation Centers.** Source: City of Asheville GIS data
  - **Buncombe County Libraries** inside Asheville city limits. Source: City of Asheville GIS data
  - **Schools.** Institutions that are considered schools for the purposes of this policy are:
    - Asheville City Schools, Buncombe County Schools and Charter Schools inside the City of Asheville which serve students in any combination of grades from Pre-Kindergarten through 12th grade. Source: NC Division of Public Education registries.
    - Private schools inside the City of Asheville which are registered with the NC Division of Non-Public Education, have an enrollment of 100 students or more, and serve students in any combination of grades from Pre-Kindergarten through 12th grade. Source: NC Division of Non-Public Education registry.
    - Asheville-Buncombe Technical Community College
    - UNC Asheville

- **Zoning**. Areas with residential zoning at a density higher than 8 dwelling units per acre (RS8, RM8, RM16). This criterion applies to zoning, not necessarily current use. Areas with RM16 zoning will be given twice the value of those with RS or RM8 zoning.

- **Demographics**. Demographic information is based on available US Census data.

- **Safety**
  - **Pedestrian Crashes**. Crash data will use the most recent 5-year NCDOT or City of Asheville data available. The choice of data sets will be based on completeness and accuracy of the data.

- **Demographics**. Source: US Census data

Secondary Screening Factors.

- **Presence/Absence of Sidewalk on one side of the street.** If a continuous sidewalk already exists on one side of the street, sidewalk for the second side of the street will not normally be considered for construction under this program. If discontinuous sidewalk exists, construction of sidewalk to make a continuous sidewalk on one side of the street will be considered.

- **Construction feasibility, including available funding, geographic constraints, and right-of-way.** Constructability assessments and cost estimates will be made by the city's Capital Projects Division, or its designee.

Initial/Current Public Involvement Plan. The public involvement plan was developed by the Neighborhood Sidewalk Committee, which consists of representatives of the City of Asheville Multimodal Transportation Commission and the City of Asheville Neighborhood Advisory Committee (NAC). Initial involvement included seeking input at the NAC Festival of Neighborhoods via face-to-face input and a short survey to complete and return. Additional survey and personal interaction opportunities will be promoted via the city's Neighborhood Coordinator, transit and bicycle and pedestrian mailing lists, and other staff contacts. The community group Just Economics was contacted and agreed to distribute the survey as coincides with their plans. The surveys remain open for input, which will be used when this policy is revisited.

Future Involvement of the Neighborhood Sidewalk Committee. At the time of initiation of this policy, the committee consisted of three members of the Multimodal Transportation Commission (MMTC) and one from the Neighborhood Advisory Committee (NAC). That NAC member was also the NAC's regular liaison to the MMTC.

RESOLUTION NO. 15-198

RESOLUTION APPOINTING MEMBERS TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, the term of Bob Patel, as a member of the Buncombe County Tourism Development Authority representing an owner or operator of a hotel, motel, bed and breakfast, or vacation rental management company, expired on August 30, 2015; and

WHEREAS, Session Law 2015-128, House Bill 347, amended the membership of the Buncombe County Tourism Development Authority, to allow City Council to appoint two members who must be an owner or operator of hotels, motels, bed and breakfasts, or vacation rental management companies with more than 100 rental units;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. John Luckett, 56 White Ash Drive, Asheville, N.C., be and he is hereby appointed, as a member of the Buncombe County Tourism Development Authority (as the owner or operator of a hotel, motel, bed and breakfast, or vacation rental management company with more than 100 rental units), to serve a three year term, term to expire August 30, 2018, or until his successor has been appointed.

Mr. Himanshu Karvir, 435 Smoky Park Highway, Asheville, N.C., be and he is hereby appointed, as a member of the Buncombe County Tourism Development Authority (as the owner or operator of a hotel, motel, bed and breakfast, or vacation rental management company with more than 100 rental units), to serve a three year term, term to expire August 30, 2018, or until his successor has been appointed.

Read, approved and adopted this 13th day of October, 2015.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION NO. 15-199

RESOLUTION APPOINTING A MEMBER TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, Mr. Robert Roepnack resigned from the Neighborhood Advisory Committee, thus leaving a vacancy for a representative from the Neighborhood Advisory Committee on the Multimodal Transportation Commission, until July 1, 2016; and

WHEREAS, Ms. Lael Gray, member of the Sustainability Advisory Committee on Energy & the Environment (SACEE), has stepped down as the Multimodal Transportation Commission representative, thus creating a vacancy for a representative from SACEE on the Multimodal Transportation Commission, until July 1, 2016; and

WHEREAS, SACEE feels they do not feel it's necessary to have the ex-officio, non-voting member seat on the Multimodal Transportation Commission; however, City Council opted to keep the SACEE seat open;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Philip Lenowitz, 111 Lakeshore Drive, Asheville, N.C., be and he is hereby reappointed, as the Neighborhood Advisory Committee representative on the a Multimodal Transportation Commission, to serve the unexpired term of Mr. Roepnack, term to expire July 1, 2016, or until his successor has been appointed.

Read, approved and adopted this 13th day of October, 2015.

Magdalen Bourneson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourneson
City Clerk

RESOLUTION NO. 15- 200

RESOLUTION ADOPTING A COMMUNITY CLEAN ENERGY POLICY FRAMEWORK

WHEREAS, On October 23, 2013, Asheville City Council adopted the Resolution 13-228 Supporting Clean Energy Economy; and

WHEREAS, the City of Asheville passed an 80% carbon reduction goal and in 2009 adopted a Sustainability Management Plan to meet that target, and the City is currently ahead of schedule in meeting that goal; and

WHEREAS, supporting a clean energy future for the City and the region requires development of a community energy plan to achieve long term community sustainability and continued economic growth; and

WHEREAS, North Carolina is the only state in the Southeast with a Renewable Energy and Energy Efficiency Portfolio Standard; and

WHEREAS, the City of Asheville calls on Duke Energy Progress to partner with the City to help meet its carbon reduction goals by decreasing reliance on fossil fuels including transitioning from coal to electricity provided by clean, renewable energy sources while continuing to meet the company's obligation to provide affordable and reliable electricity to all customers 24 hours a day, 7 days a week; and

WHEREAS, the City of Asheville calls on Duke Energy to continue and expand its investments in and programs supporting renewable energy, energy efficiency and energy conservation; and

WHEREAS, the City of Asheville values its collaborative working relationship with Duke Energy Progress and looks forward to more success in the future;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council approves the Community Clean Energy Policy Framework, supporting continued sustainability efforts including carbon footprint reductions and clean energy economy through a Clean Energy Partnership with Duke Energy.

Read, approved and adopted this 27th day of October, 2015.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

COMMUNITY CLEAN ENERGY POLICY FRAMEWORK

Last revision July 30, 2015

Introduction & Purpose

Planning for sustainability is the defining opportunity for cities of the 21st century. At the conclusion of the last two annual planning cycles, the Asheville City Council adopted Strategic Plans that integrate economic, social and environmental networks to move the City toward a better future. Working through cultural patterns that result in resource reduction, climatic uncertainty and economic and social pressures requires holistic problem solving that blends the best of policy innovation, best management practices and public participation. The City of Asheville is incorporating economic, social and environmental sustainability in every area of its planning and operations.

For the purposes of this document, the term *clean energy* refers to energy efficiency, energy storage, renewable energy, demand side management, and pollution prevention in the energy sector.

The purpose of the Clean Energy Policy Framework is to provide a 12- 18 month roadmap for pursuing two key objectives supported by Asheville City Council's policy vision:

> **Objective 1:** Developing a clean energy plan for Asheville, an objective that is longer-term and comprehensive in nature, and;
>
> **Objective 2:** Identifying shorter-term action items for the City's Sustainability Program that can be completed while the clean energy plan is developed, including launching a partnership with Duke Energy Progress.

The City's Sustainability Advisory Committee on Energy and the Environment (SACEE) has already started significant planning and work to support these two objectives, and City Council's adoption of this framework will provide clear direction for next steps. However, this framework is not a static plan but a flexible structure that will evolve and be achieved over time. Ongoing updates and policy decisions will be brought to the City Council once the framework is adopted.

Key Assumptions

1. This framework builds upon Asheville's existing policy context, retaining and expanding current sustainability goals and programs.
2. Specific goals, strategies and tactics have been and will be shaped by stakeholder input so plans have buy-in and a greater likelihood of success over time. Balanced representation of all stakeholders is critical to success. Community and stakeholder input will be inclusive and far reaching to produce the most representative outcome possible.
3. Development of the City's community energy plan will be a part of the community master plan, otherwise known as the Comprehensive Plan, and will be integrated into that process. By including it in the Comprehensive Plan, energy goals will be assimilated with transportation, housing, economic development, community planning and other essential focus areas.
4. A successful community energy plan will require a formal and collaborative partnership between the City and Duke Energy Progress to meet the community's clean energy goals.
5. A successful community energy plan will require formal and collaborative partnerships with other governmental agencies, community groups, businesses and institutions to meet shared clean energy

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goals. Community-wide partnerships beyond the City of Asheville and Duke Energy Progress will help to achieve comprehensive community goals for clean energy.

6. The policy framework seeks to take the dynamic tension that can result between economic, social and environmental interests and find innovative solutions that place sustainability at the center of all three networks.

Background

In 2009, the City of Asheville adopted a Sustainability Master Plan that focused on municipal energy issues first. Since then, the city reduced the municipal carbon footprint by 25 percent through power-use reduction programs and a move toward better building practices. As the city's municipal energy plan has matured, it has led to more community facing programs and initiatives.

On October 23, 2013, City Council adopted a Resolution calling for a clean energy economy and a partnership with Duke Energy Progress to help meet carbon reduction goals. Asheville City Council adopted the Resolution with six action items:

1. Support a local clean energy future for the City and the region;
2. Call on Duke Energy Progress to partner with the City to help meet its carbon reduction goals by decreasing reliance on fossil fuels including transitioning from coal to electricity provided by clean, renewable energy sources while continuing to meet the company's obligation to provide affordable and reliable electricity to all customers 24 hours a day, 7 days a week;
3. Call on Duke Energy to continue and expand its investments in and programs supporting renewable energy, energy efficiency and energy conservation;
4. Call on Duke Energy to stop the spread of coal ash pollution and remediate existing coal ash pollution;
5. Develop a Clean Energy Partnership Progress Report that documents the achievements of this new partnership with Duke Energy, and;
6. Seek input from a variety of stakeholders when identifying collaboration opportunities for this partnership, which was adopted as an amendment to the Resolution as it was presented (this was added as an amendment to the resolution by Mayor Terry Bellamy as reflected in the meeting minutes).

After the Resolution was adopted, staff began working on plans for implementing these action items. The City's Sustainable Committee of Energy and the Environment (SACEE) formed a "Clean Energy Task Force" and invited community stakeholders to participate. Two input sessions were held in August and September 2014. During the first input session, participants were asked to brainstorm action items to support a community clean energy initiative based on broad categories like "strengthening existing programs", "new programs", "communication", etc. After the first session, a survey was sent to participants to prioritize the action items that were identified. The second session was dedicated to reviewing the prioritization of action items. This work can be used as a foundation for the upcoming Comprehensive Plan scope and process. It has also been used to form recommendations for the short-term action items for the City/Duke Energy Progress partnership plan.

Soon after these initiatives, the City experienced turnover in it Sustainability Officer position. This framework is picking up from that point to provide a road-map for completion of the work that was started.

A more comprehensive background of the City's sustainability efforts is briefly summarized in the table below.

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Date	Milestone	Notes
February 2005	Asheville signs U.S. Mayor's Climate Protection Agreement	Asheville pledges to reduce carbon emissions from city operations and the community at large consistent with the Kyoto Protocol
Fall 2006	Asheville City Council forms the Sustainable Advisory Committee on Energy and the Environment (SACEE)	Directed to develop recommendations on energy conservation goals for city operations and on LEED standards for new city buildings
April 2007	City Council adopts carbon emission reduction goals and set LEED standards for new city buildings	• Committed to reducing carbon emissions by 2% per year until the city reaches an 80% reduction from baseline year 2001-02 emissions. • City-owned buildings greater than 5,000 square feet will adhere to the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) certified "Gold" standard. • New city buildings less than 5,000 square feet will achieve the LEED "Silver" standard.
2008	Sustainability Officer position is created	
June 2009	Sustainability Master Plan is adopted	• Primary focus on municipal carbon footprint and city operations
July 1, 2009	Asheville implements building permit and plan review fee rebates to incentivize sustainable development	
2010	City Council doubles carbon emission reduction goal	• Committed to reducing carbon emissions by 4% per year for a total of 20% over the next five years
November 2010	City Council adopts a Land Use Incentive and Density Bonus Policies	• Offers density bonuses, permit fee rebates and grants in the form of property tax refunds to development projects that meet "green building," affordability and transit orientation standards
2011	City launches the Green Capital Improvement Program and LED Streetlight Project	• 7,400 fixtures upgraded over a three-year period with energy efficiency LED technology, reducing the municipal carbon footprint by about 8% • Savings generated by streetlight upgrades are reinvested in additional energy efficiency and sustainability programs
2011	City phases in automated meter reading project in the Water Resources Department	
2011-2013	City replaces transit bus fleet	• Includes five hybrid buses
2012	"Blue Bin" single stream recycling program is launched	• Achieves 6.5% reduction in landfill waste

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October 2013	City Council adopts Resolution Supporting a Clean Energy Economy	• Calls for partnership with Duke Energy Progress to further energy efficiency goals
2014	City switches from B-5 to B-20 biodiesel for municipal fleet and buses	• Accounts for about 40% of year-over-year carbon footprint reduction
2014	City Council adopts Resolution Establishing Solid Waste Reduction Goal	• Goal: 50% Reduction of total residential MSW sent to the landfill by year 2035
2015	City to hire new Planning Director and Sustainability Officer	• These two positions are critical for moving the Comprehensive Plan and sustainability efforts forward
2015	City to issue RFP for services to complete the Comprehensive Plan update	• Plan slated for completion in 2016-2017

OBJECTIVE 1: Develop a Clean Energy Plan

Over the next 18 months, Asheville will develop an updated Comprehensive Plan for the community. The vision for that plan is one that incorporates economic, social and environmental sustainability in every area of the City's planning and operations. The City's Comprehensive Plan process will incorporate a community-wide participatory process for developing measurable goals, objectives and action items. It will be a far-reaching process that sets the vision for Asheville's future over the next 20 years.

Staff is recommending that community energy planning be a part of the City's Comprehensive Plan. The nature of the plan as well as the process provide an optimal opportunity to integrate energy planning into the fabric of the community's future.

Staff also recommends that a Comprehensive Plan Advisory Committee be formed including representatives from key boards and commissions, including a representative from SACEE, to: (1) serve in an advisory role to the Asheville City Council for policy issues that arise in the planning process, (2) to communicate progress and updates to the Boards and Commissions on which representatives serve, (3) monitor and assist in the public participation process and (4) promote interest, involvement and expertise in the Comprehensive Plan.

OBJECTIVE 2: Pursue ongoing sustainability priorities while the Energy Plan is created

Priority 1: Launch a clean energy partnership with Duke Energy Progress

While the Comprehensive Plan process and the associated community energy plan components are a longer term initiative, the City's partnership plan with Duke Energy Progress can begin this year. This summer, city government and citizens would like an opportunity to participate in helping to shape the WNC Energy Modernization Plan with Duke.

In the first year, the organizations can focus on maximizing the installation of energy efficiency projects to reduce commercial energy usage (measured by actual usage compared to anticipated projected usage using specific growth assumptions) by launching a pilot program to target high development areas like the city's Innovation Districts. The pilot program consists of three key components: Training and Outreach; Business Support, and; Recognition and Data, Metrics and Reporting.

- **Training, Technical Assistance and Outreach**

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- Partner with Duke to provide training for city staff in the City's Development Services Center on existing Duke programs so that staff can promote and explain programs during application phase of projects; staff would prioritize the time and effort in promoting these programs for projects in the target Innovation Districts
- Partner to offer information, training and technical assistance to contractors, installers and developers on existing Duke Energy and City programs (i.e., lunch and learn type trainings for local contractors and others)
- Educating developers and contractors on renewable energy opportunities
- Utilize a City intern to continually offer training, technical assistance and outreach programs during the year in target areas
- Expand Duke's "My Home Energy Report" program to commercial properties so property owners are informed about their energy usage along with ways to be more energy efficient through friendly competition and comparison

- **Business Support and Recognition**
  - Participate in the Asheville Green Business program
  - Join Better Buildings Challenge together, Duke as an Utility Ally and the City as a Community Partner

- **Data, Metrics and Reporting**
  - Establish a baseline energy assessment for the City's Innovation Districts along with a measurable goal to reduce energy consumption from expected growth in usage
  - Establish a goal number of energy efficiency projects to be implemented in the target areas
  - Participate in an annual Community Energy Plan report to the Asheville City Council; to include:

    (1) Expansion on investment in programs supporting renewable energy, and

    (2) Stopping the spread of coal ash and coal ash remediation

Priority 2: Continue strategic programs and efforts over the next 12 - 18 months through the Sustainability Office's work plan in order to continue to meet the City's energy reduction goals while gradually expanding into community energy reduction initiatives.

While the Comprehensive Planning gets underway and the Duke partnership is launched over the next 12-18 months, the City of Asheville Sustainability Program will continue to work toward specific objectives in addition to the action items above. These include but are not limited to:

- Pursuing opportunities for renewable energy installations on city facilities
- Setting a schedule, milestones and resources to complete building automation in public facilities
- Completing a feasibility study for upgrading downtown decorative street lighting to LED technology
- Developing recommendations for development incentives, including grants, for renewable energy and energy efficiency projects in Innovation Districts
- Implementing a communications strategy that supports the short term action items

For the purposes of this document, the term *clean energy* refers to energy efficiency, energy storage, renewable energy, demand side management, and pollution prevention in the energy sector.

Action Plan				
	Action	Description	Timeline	City Staff Liaison
1	Adoption of Community Clean Energy Policy Framework		Energy Task Force and SACEE in July; PED Committee in Summer 2015; City Council adoption Fall 2015	Sustainability Office
2	Energy Modernization Plan input	Launch a process by which city government and citizens can participate in planning for the WNC Energy Modernization Plan with Duke.	Summer 2015	Sustainability Office
3	Hire a Sustainability Officer, Planning Director	Fill key positions for implementing the city's Comprehensive Plan update and community energy initiatives	Summer 2015	Executive Director
4	Adoption of 12-month partnership agreement with Duke Energy Progress	Partnership Memorandum of Understanding that outlines activities over the next 12 months	City Council adopts MOU Fall 2015	Executive Director Sustainability Office
5	Expand the "My Home Energy Report" to Commercial customers	Duke Partnership	By September 2015 (target dependent on NC Utilities Commission)	Sustainability Office
6	Establish Comprehensive Plan Advisory Committee	Includes representatives from key Boards and Commissions including SACEE	Fall 2015; appointed by PED Committee	Planning & Urban Design Department
7	Establish baseline data goals and reporting expectations	Duke Partnership	Winter 2015	Sustainability Office
8	Provide training sessions to City staff on clean energy programs	Duke Partnership/ Includes existing Duke & other relevant programs	Winter 2015	Sustainability Office Development Services Department
9	Initiate intern or volunteer for community outreach	Duke Partnership	Winter 2015	Sustainability Office

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10	Provide training sessions to contractors, installers, developers	Duke Partnership/Includes existing Duke & other relevant programs	Winter 2015	Development Services Department Sustainability Office
11	RFP for Comprehensive Plan update	Process for updating the City of Asheville's 2025 Plan	Contract awarded by September 2015	Planning & Urban Design Department
12	Downtown Decorative LED Street Lighting Study	Complete a feasibility study for upgrading downtown decorative street lighting to LED technology	Fall 2015	Sustainability Office & Transportation Department
13	Launch Green Business Recognition Program	Partnership with the Chamber of Commerce and Duke	Launch website and self-assessment toolkit in 2016	Sustainability Office
14	Annual energy plan report to City Council	Duke Partnership	Fall 2016	Sustainability Office
15	Comprehensive Plan target completion		Fall 2016	Planning & Urban Design Department
16	Pursue opportunities for renewable energy installations on City facilities		2016	Sustainability Office
17	Develop plan for building automation throughout City facilities	Setting a schedule, milestones and resources to complete building automation in applicable City facilities	2016	Sustainability Office & General Services Department
18	Innovation District energy incentives	Develop recommendations for development incentives, including grants, for renewable energy and energy efficiency projects in Innovation Districts	2016	Sustainability Office & Community and Economic Development Dept, Planning & Urban Design Dept
19	Launch Better Buildings Challenge	Department of Energy sponsored program to help businesses and building owners reduce energy usage	2016	Sustainability Office
20	Explore required actions for PACE Implementation	Property Assessed Clean Energy (PACE) financing mechanism	2016	Sustainability Office

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Addendum A: Prioritized Action Items from Clean Energy Task Force

Ranked Order	ACTION ITEM IDEA	Energy Efficient Buildings	Renewable Energy Systems	Energy Conservation	Power Generation and Transmission
1	Revisit building permit fee rebates to create stronger financial incentive for residential and commercial renewable and energy efficiency projects	X	X		
2	Offer technical assistance for commercial businesses in the incentive application phase	X	X		
3	Participate in the Department of Energy Better Buildings Challenge which establishes a goal for commercial building energy savings and creates partnerships with building owners to reduce energy usage	X	X		
4	Revisit existing city green building development incentives to make more impactful in terms of energy use and use by development community	X			
5	Be an active leader in state, national, and international building code decision making in order to pursue increasing energy standards in the building code	X			
6	Provide property tax incentives for commercial renewable and energy efficiency projects	X	X		
7	Provide trainings for contractors and installers to educate about programs and incentives and provide rewards program for successful referrals	X	X		
8	Provide property tax incentives for residential renewable and energy efficiency projects	X	X		
9	Create a communications and marketing campaign to educate about energy saving opportunities	X		X	
10	Implement a green business recognition program	X	X	X	
11	Create utility based small scale PV incentives		X		
12	Provide upfront financing options to reduce the initial cost barrier to invest in clean energy solutions	X	X		
13	Actively work to tell city, utility, and private sector success stories related to clean energy solutions	X	X	X	
14	Offer technical assistance for residents in the incentive application phase	X	X		
15	Actively engage in clean energy dockets at the public utility commission (ex: IRP, energy docket, etc.)	X	X	X	
16	One stop shop website for incentives, PSA's, programs, and projects	X	X	X	
17	Provide technical assistance through free energy audits to targeted energy users	X	X	X	
18	Pursue state enabling legislation for commercial PACE programs	X	X		

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Ranked Order	ACTION ITEM IDEA	Energy Efficient Buildings	Renewable Energy Systems	Energy Conservation	Power Generation and Transmission
19	Provide on bill energy consumption comparisons with similar users in close proximity			X	
20	Conduct survey of development service center clients to understand their zoning and permitting barriers to implementing clean energy solutions	X	X		
21	Advocate for third party lease of renewables		X		
22	Provide technical assistance for using the EPA's Energy Star Portfolio Manager software to large users to improve their ability to analyze their energy usage			X	
23	Offer expedited permit review for renewable energy projects and select energy retrofits for residential and commercial projects	X	X		
24	Establish a rate or loan for real time data sensors/displays starting with large consumers			X	
25	Make educational information about energy incentives and programs available at the development services center	X	X		
26	Pursue adopting a solar ordinance to make permitting easier for solar farms (reference Buncombe County's)		X		
27	Implement a green neighborhood recognition program	X	X	X	
28	Design a program specific to property owners with renters	X	X	X	
29	Conduct business sector based competitions to motivate energy improvements	X	X	X	
30	Implement a neighborhood based energy conservation competition			X	
31	Provide educational training to city development service center and planning staff about existing utility and city incentives	X	X		
32	Expand the energy taskforce to a broader group in order to have greater impact				
33	Convene businesses providing clean energy solutions and create a local marketing campaign to promote the products and services of this local business sector	X	X		
34	Include Asheville based representatives in corporate utility sustainability planning processes			X	
35	Design a program specific to small businesses who rent their space	X		X	
36	Design a program specific to residential renters	X		X	
37	Provide incentives and/or revisit existing rates for users to shift their energy use to off peak times			X	
38	Provide education and marketing to people about energy saving products and services at the point of sale such as in hardware stores	X		X	

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Ranked Order	ACTION ITEM IDEA	Energy Efficient Buildings	Renewable Energy Systems	Energy Conservation	Power Generation and Transmission
39	Provide power plant fuel mix information available on regular basis				X
40	Design an energy retrofit incentive specifically for mobile homes	X			
41	Establish an energy efficient stretch code that is above and beyond state code and offer incentives for those who choose to meet it	X			
42	Create a cash for clunkers program to incentivize upgrading appliances	X			
43	Create an educational campaign about conservation opportunities to reduce peak load demand			X	
44	Host an energy awareness week and rally			X	
45	Provide clean energy cost sharing opportunities as economic development incentives for recruitment of businesses	X	X		
46	Make access to personal utility data available through mobile interfaces			X	
47	Establish K-12 energy projects and competitions	X	X	X	
48	Implement a text message based marketing campaign to connect with residents who lack regular access to the internet			X	
49	Move towards cloud based user data sharing of utility data			X	
50	Create a local listserv or blog focusing on the economics of saving energy. Small business focus.	X	X	X	
51	Research net metering and develop a policy recommendation and strategy to be involved in state level conversations		X		
52	Participate in state conversations about enabling legislation for wind turbines		X		
53	Establish a carbon offset fund that raises money for small scale neighborhood energy projects	X	X	X	
54	Review the utility franchise agreement for opportunities to improve clean energy				X
55	Research energy storage technologies and serve as a pilot testing community		X		
56	Research opportunities and establish partnerships to install combined heat and power systems	X			

For the purposes of this document, the term *clean energy* refers to energy efficiency, energy storage, renewable energy, demand side management, and pollution prevention in the energy sector.

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RESOLUTION NO. 15-201

RESOLUTION AMENDING THE 2015 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) A regular formal meeting will be held on Tuesday, November 17, 2015, in the Council Chamber, located on the 2nd floor of City Hall, at 5:00 p.m.

In addition to other City Council matters, the following public hearings will be held on November 17, 2015:

(a) Public hearing to consider an amendment to Chapter 7 of the Code of Ordinances to establish requirements for utility substations.

(b) Continuation of public hearing to consider amending Sections 7-2-5, 7-8-1, 7-16-1(c)(9) and 7-18-2(b) of the Unified Development Ordinance relating to the definition of "Homestay" and the districts in which Homestays are permitted in the Table of Permitted Uses; and the standards required for Homestays which are designated as a use by right subject to special standards.

(2) The regular formal meeting on Tuesday, November 24, 2015, has been cancelled.

Read, approved and adopted this 27th day of October, 2015.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 15-202

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT WITH BROWN AND CALDWELL FOR THE WATER TREATMENT PLANT UPGRADES PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for the professional services project and awarded the project to the best qualified firm; and

WHEREAS, Brown and Caldwell was selected by Staff via a Request for Qualifications process to perform professional engineering services for the Water Treatment Plant Upgrades Project for the proposed amount of $354,000 plus a contingency amount of $10,000 for a total project budget in the amount of $364,000 for the Water Treatment Plant Upgrades Project.; and

WHEREAS, the project will be funded from the Water Resources Capital Improvement Projects Fund.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Professional Engineering Services Supplemental Agreement with Brown and Caldwell for the proposed amount of $354,000 plus a contingency amount of $10,000 for a total project budget in the amount of $364,000 for the Water Treatment Plant Upgrades Project; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 27th day of October, 2015.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15- 203

RESOLUTION TO APPLY FOR EMERGENCY SOLUTIONS GRANT AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the State of North Carolina will receive and administer Emergency Solution Grant (ESG) funds for FY 2016 from the US Department of Housing and Urban Development; and

WHEREAS, the State has made these funds available to Continuums of Care in the State, and required that each Continuum of Care submit one regional application for ESG funds; and

WHEREAS, the City of Asheville has agreed to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services; and

WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has authorized the City to apply, as fiscal agent, for $118,965,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville approve application for the Emergency Solutions Grant;

2. Council authorizes the City Manager to sign all necessary application documents with the State of North Carolina.

Read, approved and adopted this 27th day of October, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-204

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE THIRD-YEAR OPTION OF A CONTRACT WITH LANDMARK LANDSCAPES FOR GROUND MAINTENANCE SERVICES AT VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE CITY OF ASHEVILLE CENTRAL PARK DISTRICT FOR THE THIRD YEAR RENEWAL

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville contracts ground maintenance services at various parks, greenways and facilities in the six park districts within the City's park system, which is part of the provision of core park maintenance level of service programs for the City of Asheville park system; and

WHEREAS, the City in the Parks and Recreation Department issued an Advertisement for Bids for ground maintenance services at the various parks, greenways and facilities. Landmark Landscapes was awarded a one-year contract with option to renew for two consecutive years based upon contractor performance for the Central Park District; and

WHEREAS, by electing to exercise the third and final year of the three-year contract, the cumulative amount of the contract, $143,040, exceeds the City Manager authority to execute the third-year contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to exercise the third-year option of a contract with Landmark Landscapes for ground maintenance services at various parks, greenways and facilities in the City of Asheville Central Park District for the third year in the cumulative amount of $143,040.

Read, approved and adopted this 27th day of October, 2015.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

316

RESOLUTION NO. 15-205

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE THIRD-YEAR OPTION OF A CONTRACT WITH DALTON'S LAWN & LANDSCAPING FOR GROUND MAINTENANCE SERVICES AT VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE CITY OF ASHEVILLE WEST I PARK DISTRICT FOR THE THIRD YEAR RENEWAL

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville contracts ground maintenance services at various parks, greenways and facilities in the six park districts within the City's park system, which is part of the provision of core park maintenance level of service programs for the City of Asheville park system; and

WHEREAS, the City in the Parks and Recreation Department issued an Advertisement for Bids for ground maintenance services at the various parks, greenways and facilities. Dalton's Lawn & Landscaping was awarded a one-year contract with option to renew for two consecutive years based upon contractor performance for the West I Park District; and

WHEREAS, by electing to exercise the third and final year of the three-year contract, the cumulative amount of the contract, $97,150, exceeds the City Manager's authority to execute the third-year contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to exercise the third-year option of a contract with Dalton's Lawn & Landscaping for ground maintenance services at various parks, greenways and facilities in the City of Asheville West I Park District for the third year renewal in the cumulative amount of $97,150.

Read, approved and adopted this 27th day of October, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-206

RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION

WHEREAS, the terms of Holly Shriner and Joe Minicozzi, as members on the Planning & Zoning Commission, expired on August 14, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Tony Hauser, 25 Melrose Avenue, Asheville, N.C., be and he is hereby appointed as a member of the Planning & Zoning Commission, to serve a three year term, term to expire August 14, 2018, or until his successor has been appointed.

(2) Mr. Guillermo Rodriguez, 406 Windswept Drive, Asheville, N.C., be and he is hereby appointed as a member of the Planning & Zoning Commission, to serve a three year term, term to expire August 14, 2018, or until her successor has been appointed.

Read, approved and adopted this 27th day of October, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-207

RESOLUTION NAMING CITY OF ASHEVILLE FIRE STATION NUMBER 8 IN MEMORY OF FIREFIGHTER JIMMIE EDWARD TRENT

WHEREAS, the City of Asheville has a policy for naming City of Asheville Facilities; and

WHEREAS, City of Asheville Firefighter Jimmie Edward Trent tragically perished in the line of duty on November 13th, 1975, from a heart attack while fighting a fire at the Red Chair Restaurant at 1 North Pack Square; and

WHEREAS, Asheville City Council would like to honor Firefighter Trent's honorable service and sacrifice by naming City of Asheville Fire Station Eight after him;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City of Asheville Fire Station 8 is named in memory of City of Asheville Firefighter Jimmie Edward Trent.

Read, approved, and adopted this 10th day of November, 2015.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-208

RESOLUTION AUTHORIZING THE CITY MANAGER TO SELL REAL PROPERTY LOCATED at 600 N. SKYLOFT DRIVE, UNIT A-201 for $140,000 SUBJECT TO CERTAIN RESTRICTIONS

WHEREAS, the City of Asheville holds title to real property located at 600 N. Skyloft Drive, Unit A-201, identified as PIN # 9648-68-1640-C0201; and

WHEREAS, the City purchased this property at a foreclosure sale for the purchase price of $100,438 in order to secure a Housing Trust Fund debt on the Property that was owed to the City; and

WHEREAS, North Carolina General Statute 153A-163 authorizes a city that acquires a property by foreclosure for the aforementioned reason to sell said property by private sale for not less than the amount of its bid; and

WHEREAS, North Carolina General Statue 160A-267 provides for the sale of real property by authorizing the appropriate city official(s) to dispose of the property by private sale at a negotiated price and to publish a notice of sale;

WHEREAS, the property is not needed by the City of Asheville; and

WHEREAS, the City of Asheville has received an offer to purchase said property from Aubrey Ray in the amount of $ 140,000; and

WHEREAS, the City of Asheville intends to convey the property subject to income eligibility, permanent deed restrictions concerning long-term affordability of the unit, and a requirement that the unit must be the primary residence of the owner;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute 160A-267, the City Manager is hereby authorized to dispose of city owned real property located at 601 N. Skyloft Drive, Unit A-201 to Aubrey Ray for $140,000. Additionally, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell real property located at 601 N. Skyloft Drive, Unit A-201. The notice shall contain a general description of the property, the amount and terms of the sale and the restrictions referenced above. No sale shall be consummated until 10 days after its publication.

In the event that Aubrey Ray cannot complete the transaction due to financing issues or otherwise, then the City Manager is hereby directed to dispose of the property for the amount of $140,000 to an eligible buyer subject to the affordability restrictions as recognized above. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give full effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 10th day of November, 2015.

Magdalen Bullion
CITY CLERK

Esther Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 15- 209

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNNAMED ALLEY OFF OF JARRETT ST.

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a an unnamed alley off of Jarrett St; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unnamed alley off of Jarrett St, described as follows:

   That portion of Jarrett Street shown as the "Unopened Road, 20' Right of Way, per P.B. 4, Pg. 22," as shown on a survey drawn by Freeland-Clinkscales & Associates, Inc. for T S Investments, LLC, dated May 21, 2009; a copy of said survey can be found in the Office of the City Clerk.

2. A public hearing on the question of permanently closing an unnamed alley off of Jarrett St, is hereby called for on December 8, 2015, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on a December 8, 2015.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley off of Jarrett St. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 10th day of November, 2015.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-210

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ECONOMIC DEVELOPMENT COALITION OF ASHEVILLE BUNCOMBE COUNTY FOR SUPPORT FOR 2015-16 BUDGET YEAR

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts with other entities; and

WHEREAS, City Council adopted the budget for FY 2015-16 on June 23, 2015; and

WHEREAS, support for the Economic Development Coalition of Asheville Buncombe County (EDC) was approved in the budget in the amount of $100,000; and

WHEREAS, the City of Asheville receives research and reports, site selection and retention and expansion project management, entrepreneurship development, and economic development marketing from the EDC; and

WHEREAS, this contract requires City Council approval due to the contracted amount of $100,000 which exceeds the amount authorized for the City Manager to execute;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to execute the MOU between the City of Asheville and the Economic Development Coalition of Asheville Buncombe County (EDC) which was approved as part of the City budget adoption in Ordinance No 4431, adopted on June 23, 2015.

Read and approved and adopted this 10th day of November, 2015.

Magdalen Bowlesson
CITY CLERK

Esther Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 15-211

RESOLUTION APPOINTING MEMBERS TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the terms of Edward Hay and Robin Cape, as members on the Alcoholic Beverage Control Board, expires on November 13, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Edward Hay, 210 Blake Mountain Circle, Asheville, N.C., be and he is hereby reappointed as a member of the Alcoholic Beverage Control Board, to serve an additional three-year term, term to expire November 13, 2018, or until his successor has been appointed.

Ms. Robin Cape, 45 Sunnycrest Drive, Asheville, N.C., be and she is hereby reappointed as a member of the Alcoholic Beverage Control Board, to serve an additional three-year term, term to expire November 13, 2018, or until her successor has been appointed.

Read, approved and adopted this 10th day of November, 2015.

Magdalen Bourleson
CITY CLERK

Esther Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-212

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, Ms. Tracey Rizzo has resigned from the Asheville-Buncombe Historic Resources Commission, thus leaving an unexpired term until July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Leslie Klingner, 100 Sunset Drive, Asheville, N.C., be and she is hereby appointed as a member of the Asheville-Buncombe Historic Resources Commission, to serve the unexpired term of Ms. Rizzo, term to expire July 1, 2018, or until her successor has been appointed.

Read, approved and adopted this 10th day of November, 2015.

Magdalen Bowleson
CITY CLERK

Esther Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 15-213

RESOLUTION APPOINTING A MEMBER TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, Mr. Steven Obremski has resigned from the Multimodal Transportation Commission, thus leaving an unexpired term of an at-large member until July 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Rich Lee, 172 Deaver Street, Asheville, N.C., be and he is hereby appointed as an at-large member of the Multimodal Transportation Commission, to serve the unexpired term of Mr. Obremski, term to expire July 1, 2017, or until his successor has been appointed.

Read, approved and adopted this 10th day of November, 2015.

Magdalen Bruleson
CITY CLERK

Esther Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bruleson
City Clerk

RESOLUTION NO. 15-214

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH H&M CONSTRUCTORS FOR THE 200 BINGHAM ROAD UP-FIT AND RENOVATION PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the 200 Bingham Road Up-fit and Renovation Project; and

WHEREAS, H&M Constructors of Asheville, NC was the lowest responsible, responsive bidder for the Project, in the amount of $2,658,417, with bid for alternate #E-2 for security camera system in the amount of $43,890 with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves construction and installation of all materials, labor, incidentals, and equipment necessary to repair, refurbish, reinforce, and partially replace the 37,000 Square Feet of the property located at 200 Bingham Road in Asheville, NC; and

WHEREAS, the bids have been reviewed by the Water Resources Department, Clark Nexen, Inc., and the City's Office of Economic Development (Minority Business Plan Compliance) with all offices recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.

2. The City Manager is hereby authorized to execute the contract with H&M Constructors, for the bid amount of $2,658,417.00. City Council also grants approval for installation of a security camera system for bid alternate #E-2 in the amount of $43,890.00; and a contingency amount of $270,231.00 for a total project budget in the amount of $2,972,538.00 for the 200 Bingham Road Up-fit and Renovation Project. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 17th day of November, 2015.

Magdalen Burleson
City Clerk

John E. Mahler
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A

Bid Tabulation for the 200 Bingham Road Up-fit and Renovation Project

American South General Contractors, Inc.
60 North Merrimon Ave, Unit #101
Asheville, NC 28804
Total Base Bid: $2,369,000.00

Cooper Construction Company, Inc.
761 S. Allen Rd, Flat Rock, NC 28731
Total Base Bid: $2,686,000.00

H&M Constructors
A Division of M. B. Haynes Corp.
PO Box 16589
Asheville, NC 28816
Total Base Bid: $2,658,417.00

SIMCON Company, LLC
P.O. Box 1838
137 Moore Ave
Mount Airy, NC 27030
Total Base Bid: $2,849,000.00

Resolution No. 15-215

RESOLUTION OF APPRECIATION TO JAN B. DAVIS

WHEREAS, Jan Davis served as a member of the Asheville City Council since December 2, 2003; and

WHEREAS, from December 11, 2007, until December 8, 2009, Jan served as Vice-Mayor of the City of Asheville; and

WHEREAS, since December of 2003, Jan untiringly devoted over twelve years to the City of Asheville during a period of time that numerous projects were initiated which will continue to have a revitalizing and growing impact on the City of Asheville far beyond his term of office, in particular, his involvement in Asheville in negotiating an agreement that protected the City's investment in a high quality water utility; his commitment to bringing safe and quality transportation networks to our community and region; his devotion to the men and women who serve to keep our community safe; and his unwavering support for gatherings that create a sense of community such as the 4th of July Celebration and Fireworks Show; and

WHEREAS, Jan's commitment to the renovation of the U.S. Cellular Center led the naming of the U.S. Cellular Center lobby as "Jan Davis Lobby;" and

WHEREAS, Jan served as Chairman and member of the City Council Boards & Commissions Committee; Chairman and member of the City Council Planning & Economic Development Committee; Chairman of the Public Safety Committee; Chairman of the Police Officers and Firefighters Disability Review Board; member of the Downtown Commission; Civic Center Task Force for the 21st Century; City Council Personnel Committee; French Broad River Metropolitan Planning Organization; Buncombe County Economic Development Commission; Citizens-Police Advisory Committee; Subcommittee on the Henderson County Water Negotiations; Subcommittee on the Water Agreement; Economic Development Coalition; City Council Housing & Community Development Committee; Riverfront Redevelopment Commission; Buncombe County Tourism Development Authority; Asheville-Buncombe Regional Sports Commission; Downtown Improvement District; and the Asheville-Buncombe Regional Sports Commission.

WHEREAS, Jan has also served as liaison to the Civic Center Commission; WNC Regional Air Quality Agency; Asheville-Buncombe Historic Resources Commission; Planning & Zoning Commission; Tree Commission; Alcoholic Beverage Control Board; Civil Service Board; Firemen's Relief Fund Board of Trustees; Soil Erosion/Stormwater Review Committee; and WNC Community Media Center Board;

WHEREAS, Jan's unique leadership ability enabled him to build consensus on controversial and complex issues; and

WHEREAS, he has earned the admiration and high regard of those with whom he has come into contact, as well as the affection of his fellow public servants;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the members of the Asheville City Council hereby express their gratitude to Jan Davis for the service he has rendered to his community and that a copy of this Resolution be presented to Mr. Davis.

Read, approved and adopted this 17th day of November, 2015.

Esther E. Manheimer - Mayor

Cecil Bothwell - Councilmember

Gordon Smith - Councilmember

Gwen Wisler - Councilmember

Magdalen Burleson
City Clerk

328

Resolution No. 15-216

RESOLUTION OF APPRECIATION TO MARC HUNT

WHEREAS, Marc Hunt served as a member of the Asheville City Council since December 6, 2011; and

WHEREAS, from December 10, 2013, until December 1, 2015, Marc served as Vice-Mayor of the City of Asheville; and

WHEREAS, Marc untiringly devoted over four years to the City of Asheville during a period of time that numerous projects were initiated through his leadership which will continue to have a revitalizing and growing impact on the City of Asheville far beyond his term of office, in particular his commitment to Asheville's economic stability; and his commitment to the development of a multi-modal transportation network that connects people to places through greenways, sidewalks, bicycle lanes and roads; and

WHEREAS, prior to Marc's service on City Council, he demonstrated leadership and community collaboration during his service on the Greenway Commission from February 14, 2006, to January 10, 2012; and

WHEREAS, Marc served as Chairman and member of the City Council Finance Committee, Chairman of the City Council Boards & Commissions Committee; Chairman and member of the City Council Planning & Economic Development Committee; member of the Economic Development Coalition; member of the French Broad River Metropolitan Planning Organization; member of the City Council Governance Committee; member of the HUB Community Economic Development Alliance; and member of the Pack Square Board of Directors; and

WHEREAS, Marc also served as liaison to the Greater Asheville Regional Airport Authority; Board of Adjustment; Community Action Opportunities; Eagle-Market Street Board of Directors; and Planning & Zoning Commission; Civil Service Board; Asheville-Buncombe Historic Resources Commission; Asheville City Board of Education; and Soil Erosion/Stormwater Review Committee; and

WHEREAS, Marc has been a powerful influence for good in the growth and progress of the community; and

WHEREAS, Marc was unique in his sensitivity for doing what was best for the entire community and he had courage in expressing his convictions, and a special way in dealing with complex issues; and

WHEREAS, Marc has demonstrated in many practical ways his deep and genuine love for this city and the surrounding area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the members of the Asheville City Council hereby express their gratitude to Marc W. Hunt for the service he has rendered to his community and that this resolution be entered into the minutes of the Asheville City Council and that a copy be presented to Mr. Hunt.

Read, approved and adopted this 17th day of November, 2015.

Esther E. Manheimer - Mayor

Cecil Bothwell - Councilmember

Gordon Smith - Councilmember

Gwen Wisler - Councilmember

Magdalen Burleson
City Clerk

Resolution No. 15-217

RESOLUTION OF APPRECIATION TO CHRIS PELLY

WHEREAS, Chris Pelly served as a member of the Asheville City Council since December 6, 2011; and

WHEREAS, Chris untiringly devoted over four years to the City of Asheville during a period of time that numerous projects were initiated through his leadership which will continue to have a revitalizing and growing impact on the City of Asheville far beyond his term of office, in particular his commitment to improve the livability of Asheville neighborhoods which included implementation of a dedicated Neighborhood Sidewalks Program, resumption of funding for traffic calming, creation of the Neighborhood Advisory Committee, and involvement with the Festival of Neighborhoods; and

WHEREAS, Chris served as a member to the City Council Boards & Commissions Committee; member to the Housing & Community Development Committee; member to the City Council Public Safety Committee; member to the City Council Finance Committee; member to the Metropolitan Sewerage District; alternate member to the French Broad River Metropolitan Planning Organization; member of the City Council Retreat Committee; and ex-officio member to the Citizens-Police Advisory Committee; and

WHEREAS, Chris also served as liaison to Asheville-Buncombe Crime-Stoppers Board; Neighborhood Advisory Committee; Recreation Board; and Greenway Committee; and

WHEREAS, Chris has been a powerful influence for good in the growth and progress of the community; and

WHEREAS, Chris was unique in his sensitivity for doing what was best for the entire community and he had courage in expressing his convictions, and a special way in dealing with complex issues; and

WHEREAS, Chris has demonstrated in many practical ways his deep and genuine love for this city and the surrounding area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the members of the Asheville City Council hereby express their gratitude to Chris A. Pelly for the service he has rendered to his community and that this resolution be entered into the minutes of the Asheville City Council and that a copy be presented to Mr. Pelly.

Read, approved and adopted this 17th day of November, 2015.

Esther E. Manheimer - Mayor

Cecil Bothwell - Councilmember

Gordon Smith - Councilmember

Gwen Wisler - Councilmember

Magdalen Pomeroy

330

RESOLUTION NO. 15- 218

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT WITH MCGILL ASSOCIATES, PA, FOR THE 2015 NEIGHBORHOOD ENHANCEMENT AREA 1 PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, McGill Associates, PA, was one of four firms selected by Staff via a Request for Qualifications (RFQ) process to perform On-call Professional Engineering Services for Water Distribution and Storage Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with McGill Associates, PA, on April 28, 2015, for On-Call Professional Services for Water Distribution and Storage Projects; and

WHEREAS, the Professional Engineering Services for the 2015 Neighborhood Enhancement Area 1 Project will be part of a Supplemental Agreement under aforesaid Master Agreement with McGill Associates, PA, for the not-to-exceed amount of $698,780; and

WHEREAS, the use of McGill Associates, PA, will ensure timely completion and full compliance with the City of Asheville Design Standards;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Professional Engineering Services Supplemental Agreement with McGill Associates, PA, for the not-to-exceed amount of $698,780 for the 2015 Neighborhood Enhancement Area 1 Project; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 17th day of November, 2015.

Magdalen Bowlesson
City Clerk

Edwin E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 15-219

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT WITH W.K. DICKSON & CO., INC., FOR THE 2015 NEIGHBORHOOD ENHANCEMENT AREA 2 PROJECT.

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, W.K. Dickson & Co., Inc., was one of four firms selected by Staff via a Request for Qualifications (RFQ) process to perform On-call Professional Engineering Services for Water Distribution and Storage Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with W.K. Dickson & Co., Inc., on May 11, 2015, for On-Call Professional Services for Water Distribution and Storage Projects; and

WHEREAS, the Professional Engineering Services for the 2015 Neighborhood Enhancement Area 2 Project will be part of a Supplemental Agreement under aforesaid Master Agreement with W.K. Dickson & Co., Inc., for the not-to-exceed amount of $567,100; and

WHEREAS, the use of W.K. Dickson & Co., Inc., will ensure timely completion and full compliance with the City of Asheville Design Standards.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Professional Engineering Services Supplemental Agreement with W.K. Dickson & Co., Inc., for the not-to-exceed amount of $567,100 for the 2015 Neighborhood Enhancement Area 2 Project; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 17th day of November, 2015.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15-220

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT WITH CDM SMITH, INC., FOR THE 2015 NEIGHBORHOOD ENHANCEMENT AREA 3 PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, CDM Smith, Inc., was one of four firms selected by Staff via a Request for Qualifications (RFQ) process to perform On-call Professional Engineering Services for Water Distribution and Storage Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with CDM Smith, Inc., on May 27, 2015, for On-Call Professional Services for Water Distribution and Storage Projects; and

WHEREAS, the Professional Engineering Services for the 2015 Neighborhood Enhancement Area 3 Project will be part of a Supplemental Agreement under aforesaid Master Agreement with CDM Smith, Inc., for the not-to-exceed amount of $672,572; and

WHEREAS, the use of CDM Smith, Inc., will ensure timely completion and full compliance with the City of Asheville Design Standards.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Professional Engineering Services Supplemental Agreement with CDM Smith, Inc., for the not-to-exceed amount of $672,572 for the 2015 Neighborhood Enhancement Area 3 Project; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 17th day of November, 2015.

Magdalen Bowerson
City Clerk

Edwin E. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Bowerson

RESOLUTION NO. 15-221

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT WITH KIMLEY-HORN & ASSOCIATES FOR THE 2015 NEIGHBORHOOD ENHANCEMENT AREA 4 PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Kimley-Horn & Associates was one of four firms selected by Staff via a Request for Qualifications (RFQ) process to perform On-call Professional Engineering Services for Water Distribution and Storage Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with Kimley-Horn & Associates on May 11, 2015, for On-Call Professional Services for Water Distribution and Storage Projects; and

WHEREAS, the Professional Engineering Services for the 2015 Neighborhood Enhancement Area 4 Project will be part of a Supplemental Agreement under aforesaid Master Agreement with Kimley-Horn & Associates for the not-to-exceed amount of $581,900; and

WHEREAS, the use of Kimley-Horn & Associates will ensure timely completion and full compliance with the City of Asheville Design Standards;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Professional Engineering Services Supplemental Agreement with Kimley-Horn & Associates for the not-to-exceed amount of $581,900 for the 2015 Neighborhood Enhancement Area 4 Project; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 17th day of November, 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 15-222

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO INCREASE THE ENGINEERING DESIGN SERVICES CONTRACT FOR SCHNABEL ENGINEERING SOUTH, PC, FOR THE NORTH FORK DAM INTAKE TOWER AND CONDUIT REPAIRS PROJECT.

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Schnabel Engineering South, PC, was selected by Staff to perform engineering services related to the North Fork Dam Intake Tower and Conduit Repairs Project; and

WHEREAS, Schnabel is requesting an increase in the contract amount for construction-related services associated with the rehabilitation of the interior of the intake tower, concrete infilling of the outlet works conduit, and repairs to the tower bridge; and

WHEREAS, a change order in the amount of $175,000 is needed to increase the engineering design services contract with Schnabel Engineering South, PC, from a total in the amount of $302,400 to $477,400 for the project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a change order in the amount of $175,000 to increase the engineering design services contract for Schnabel Engineering South, PC, from a total in the amount of $302,400 to $477,400 for the North Fork Dam Intake Tower and Conduit Repairs Project; and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 17th day of November, 2015.

Magdalen Bellamy
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bellamy

RESOLUTION NO. 15-223

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LOCALLY ADMINISTERED PROJECT AGREEMENT WITH NCDOT FOR A PROJECT TO CONSTRUCT SIDEWALK ALONG NEW LEICESTER HIGHWAY (NC-63)FROM PATTON AVENUE TO THE CITY LIMITS OF ASHEVILLE

WHEREAS, Section 1108 of the Moving Ahead for Progress in the 21st Century (MAP-21) allows for the allocation of STP-DA funds to be available for certain specified transportation activities; and

WHEREAS, the City of Asheville has requested Federal Funding for the US 63 (New Leicester Highway) sidewalk project located within the city limits of the City of Asheville in Buncombe County; and

WHEREAS, subject to the availability of Federal Funds, the City of Asheville has been designated as a recipient to receive funds allocated to the North Carolina Department of Transportation by the Federal Highway Administration up to and not to exceed the maximum award amount of $2,904,000 for the project; and

WHEREAS, the North Carolina Department of Transportation has programmed funding in the approved Transportation Improvement Program for the project; and

WHEREAS, the City of Asheville has agreed to participate in certain costs and to assume certain responsibilities as indicated in the agreement;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville approves a resolution authorizing the City Manager to sign and execute a locally administered project agreement with the North Carolina Department of Transportation (NCDOT) for a project (identified as U-5190) to construct a sidewalk along US 63 (New Leicester Highway) from Patton Avenue to the city limits of Asheville.

Read, approved and adopted this 17th day of November 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson

336

RESOLUTION NO. 15-224

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE MASS TRANSIT MANAGEMENT AGREEMENT WITH FIRST TRANSIT, INC UNTIL JUNE 30, 2016, TO MANAGE THE OPERATION OF THE ASHEVILLE REDEFINES TRANSIT SYSTEM

WHEREAS, North Carolina law prohibits municipalities from engaging in collective bargaining; and

WHEREAS, the City of Asheville must hire a management company to operate the transit system; and

WHEREAS, the management company is a party to the collective bargaining agreement with the Amalgamated Transit Union Local 128 covering all hourly employees; and

WHEREAS, a collective bargaining agreement between Asheville Transit System's management company and the ATU Local 128 is in place until January 31, 2016; and

WHEREAS, the city hired First Transit, Inc. to operate the transit system and the contract will expire in December 31, 2015; and

WHEREAS, city staff recommends extending the current agreement with First Transit until June 30, 2016 to continue the operations of the transit system, including the negotiation of a new collective bargaining agreement with ATU Local 128;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to extend the mass transit management agreement with First Transit, Inc. until June 30, 2016 to continue managing the operation of the City of Asheville Transit System and to negotiate a new collective bargaining agreement.

Read, approved and adopted this the 17th day of November, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson

RESOLUTION NO. 15-225

RESOLUTION ADOPTING THE 2016 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The following schedule of the meetings of the Asheville City Council for 2016 be, and the same is, hereby established as follows:

City Council Formal Meetings
5:00 p.m.
2nd and 4th Tuesdays of each month
Council Chamber – 2nd Floor
City Hall Building, Asheville, N.C.

BE IT FURTHER RESOLVED THAT:

The following meetings are hereby cancelled: Tuesday, July 12, 2016; Tuesday, August 9, 2016; Tuesday, November 22, 2016; and Tuesday, December 27, 2016.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 8th day of December, 2015.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-226

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CHARTWELL STAFFING SOLUTIONS, INC FOR TEMPORARY SERVICES IN THE CITY PARKING GARAGES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, temporary services are needed in the City parking garages and facilities; and

WHEREAS, the amount of the contract is $130,000 for one year and the monies have been budgeted in the Transportation Department/Parking Services' Operating Budget for FY 2015-16; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Chartwell Staffing Solutions, Inc., for a maximum cost of $130,000 for a period that will end on June 30, 2016 for temporary services in the City parking garages and further authorized to execute any change orders to said contract or document which might arise during the time period of the contract up to the budgeted amount.

Read, approved and adopted this the 8th day of December, 2015.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 15-227

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PASSPORT PARKING, INC. TO ENABLE CUSTOMERS TO USE CREDIT/DEBIT CARDS IN ADDITION TO CASH TO PAY FOR THEIR ON-STREET METERED PARKING EXPERIENCE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A-20.1 of the North Carolina General Statutes to enter into contracts for services with private entities; and

WHEREAS, Passport Parking is currently being used and with its success it would be beneficial to continue; and

WHEREAS, the annual anticipated contract amount of $30,000 is budgeted in the Parking Enterprises Fund operating budget for FY 2015-16;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Passport Parking, Inc. to enable customers to use credit/debit cards in addition to cash to pay for their on-street metered parking experience and is further authorized to execute any contract amendment that would increase the contract amount within the amount budgeted in the Parking Enterprises Fund operating budget.

Read, approved and adopted this the 8th day of December, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 15 - 228

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN UNITED STATES GEOLOGICAL SURVEY APPLICATION TO NAME CREEK IN WEST ASHEVILLE "FOX CREEK"

WHEREAS, the City of Asheville believes that a transparent, well-researched and community driven process was performed by RiverLink in efforts to name this creek; and

WHEREAS, the City of Asheville has received a recommendation from the Neighborhood Advisory Committee to support "Fox Creek" as the name for this tributary of Smith Mill Creek; and

WHEREAS, the City of Asheville recognizes that a local government official must sign the United States Geologic Survey (USGS) form in order for the community's efforts to be successful;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ASHEVILLE NORTH CAROLINA THAT:

The City Council authorizes the City Manager to sign the USGS form certifying support for the naming of the creek in West Asheville that runs through the Falconhurst neighborhood into Smith Mill Creek as "Fox Creek".

Read, approved and adopted this 8th day of December, 2015.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 15- 229

RESOLUTION TO APPLY FOR CONTINUUM OF CARE GRANT AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the U.S. Department of Housing and Urban Development will allocate Continuum of Care (CoC) funds to competitive applications for FY 16; and

WHEREAS, the NC-501 Asheville-Buncombe Continuum of Care has consistently received CoC funds; and

WHEREAS, the City of Asheville has agreed to serve as the CoC Lead with responsibility for submitting the NC-501 Continuum of Care Grant application; and

WHEREAS, the U.S. Department of Housing and Urban Development has made NC-501 eligible to apply for $1,411,747 in CoC funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville approve application for the Continuum of Care Grant;
2. Council authorizes the City Manager to sign all necessary application documents with the U.S. Department of Housing and Urban Development.

Read, approved and adopted this 8th day of December, 2015.

Magdalen Burleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

342

RESOLUTION NO. 15-230

RESOLUTION IN SUPPORT OF THE CONNECT NC BOND

WHEREAS, the North Carolina General Assembly and the Governor approved the Connect NC Bond Act during the 2015 legislative session; and

WHEREAS, if approved by the voters the Act would generate $2 Billion through the sale of bonds; and

WHEREAS, the $2 Billion would be used for new construction and repairs to existing facilities on the 17 campuses of the of the University of North Carolina as well as the 58 campuses of the North Carolina Community College System; for infrastructure improvements to state and local parks and the zoo; on various water improvement and agricultural projects, and on repairs and improvements to National Guard and Public Safety facilities; and

WHEREAS, Asheville-Buncombe Technical Community College will receive in excess of $5 Million if the bond referendum is successful, using those funds for infrastructure repairs such as sidewalks, paving, and structural improvements, many of which are presently deferred maintenance projects; and

WHEREAS, A-B Tech serves nearly 25,000 students from Buncombe County and the City of Asheville annually in curriculum and continuing education programs; and

WHEREAS, A-B Tech has served nearly one in four residents of the County and City since it was founded in 1959, specifically training hundreds of individuals for better lives through state-of-the-art instruction in high demand careers; and

WHEREAS, support of the Connect NC Bond Act advances the Asheville City Council's legislative agenda by enhancing revenue for higher education and transportation infrastructure without negatively impacting existing municipal revenues;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council strongly supports the Connect NC Bond Act as it will enable North Carolina's systems of higher education to educate and train a highly qualified workforce for the 21st century, and will support our state parks, National Guard, and community infrastructure and agricultural resources.

Read, approved and adopted this 8th day of December, 2015.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 15- 231

RESOLUTION TO PERMANENTLY CLOSE AN UNNAMED ALLEY OFF JARRETT STREET

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unnamed alley off of Jarrett Street; and

WHEREAS, City Council on the 10th day of November, 2015, adopted a resolution of intent to permanently close the unnamed alley off Jarrett Street, and ordered a public hearing on the question of the closing for the 8th day of December, 2015, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order of said public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit presented to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along the unnamed alley off Jarrett Street; and

WHEREAS, at said public hearing no objections were made that the proposed street closure would deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statutes sec. 160A-299, an unnamed alley off of Jarrett Street described as follows is permanently closed to public use as a public street;

That portion of Jarrett Street shown as the "Unopened Road, 20' Right of Way, per P.B. 4, Pg. 22," as shown on a survey drawn by Freeland- Clinkscales & Associates, Inc. for T S Investments, LLC, dated May 21, 2009 (the "Survey"); a copy of said survey is attached as Exhibit A.

Read, approved and adopted this 8th day of December, 2015.

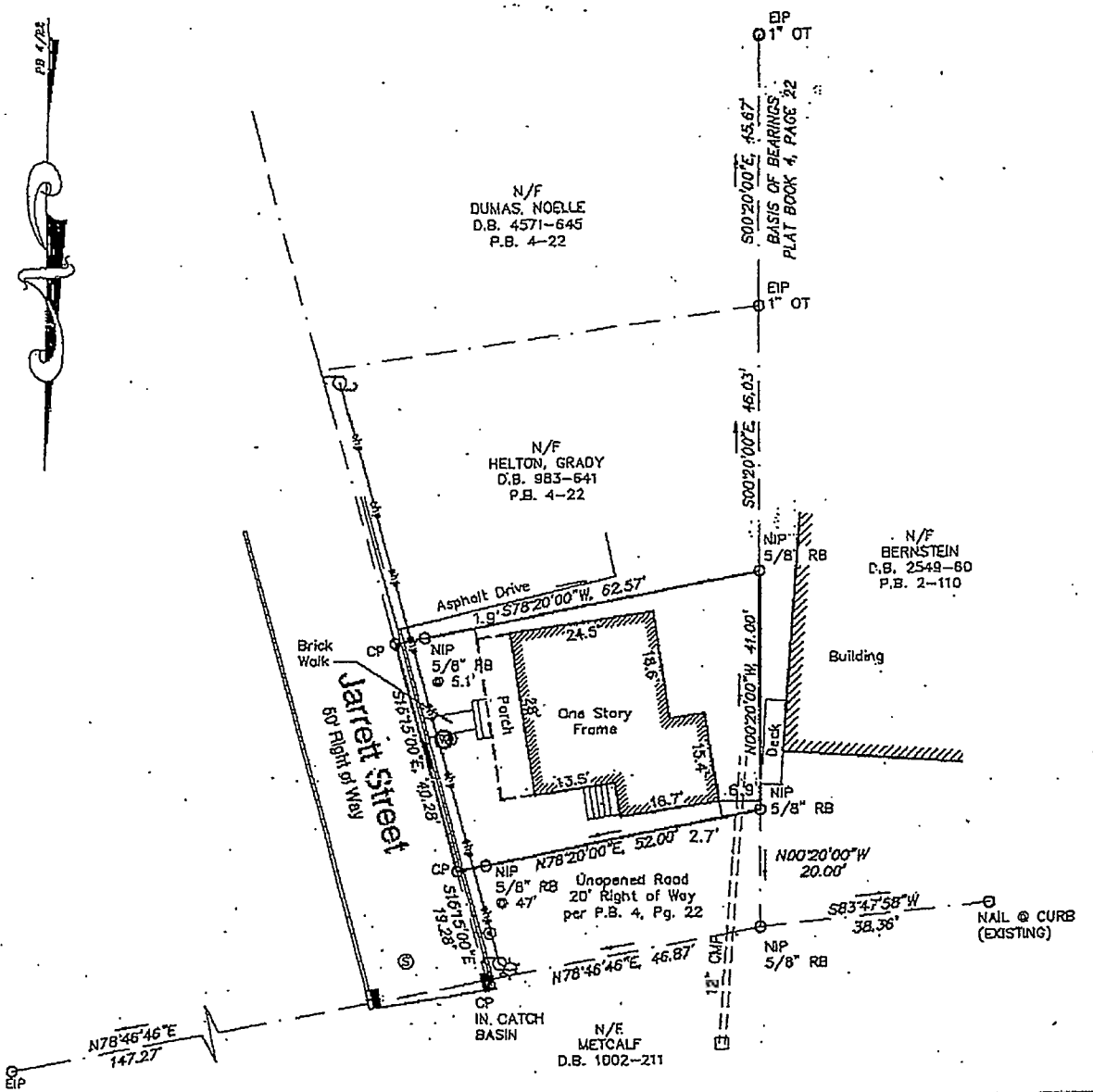
Magdalen Bamlison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

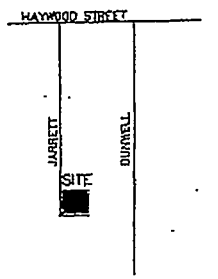
Magdalen Bamlison
City Clerk



LEGEND:

NIP	NEW IRON PIN (5/8" REBAR)
EIP	EXISTING IRON PIN
CP	CALCULATED POINT ONLY
	POWER POLE
	LIGHT POLE
	WATER VALVE
	GAS VALVE
	WATER METER
	FIRE HYDRANT
	SANITARY SEWER MANHOLE
	STORM DRAIN MANHOLE
	CATCH BASIN
	CLEANOUT
	CURB INLET
	TRANSFORMER
ohp	OVERHEAD UTILITY
	FENCE LINE

LOCATION MAP



NOT TO SCALE

Not For Recordation

The original drawing and/or all copies of it are not transferable to any future owner(s) of the platted property and shall not be used or relied upon by future owner(s) and/or their representatives for any reason without written release by the professional surveyor.

This is to certify that the property shown on this plat was surveyed under my direct supervision. Property lines and improvements are located correctly and that no visible encroachments exist unless otherwise shown.

STATE OF NORTH CAROLINA
Buncombe County, City of Asheville

Survey for

T S Investments, LLC
50 Jarrett Street
Part of Lot 10, James Jarrett S/D

SEAL
L2614

RLS: F. V. CLINKSCALES JR., P.E.
NO: L2614 FIRM NO: C-1562

20 0 20
6.10M 0 6.10M
SCALE: 1" = 20'

FREELAND - CLINKSCALES & ASSOCIATES, INC. OF N.C.
ENGINEERS + LAND SURVEYORS
201 2nd AVE. EAST
HENDERSONVILLE, N.C. 28792
(828) 697-6539
Fax (828)-697-4195

REF. PLAT CABINET	4/22
REF. DEED BOOK	4809/1564
TAX MAP	9638-25-1024
PARTY CHIEF	RSW
DRAWN	JDA
DATE	May 21, 2009
DWG.NO.	H29060

EXHIBIT "A"

346

RESOLUTION NO. 15-232

RESOLUTION REGARDING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION I-26 CONNECTOR TIP PROJECT-2513

WHEREAS, the North Carolina Department of Transportation ("NC DOT") has issued a Draft Environmental Impact Statement ("DEIS") for the I-26 Connector Project, TIP Project I-2513 ("the project"); and

WHEREAS, NCDOT is seeking public input on the DEIS and held a public information session and hearing on November 16, 2015; and

WHEREAS, the City of Asheville is providing comments to NCDOT on the DEIS through a letter and this resolution; and

WHEREAS, the I-26 and I-240 corridors are critical to local and regional residents, visitors, interstate travelers, and regional commerce; and

WHEREAS, traffic congestion and safety are continuing challenges along I-240 and I-26 through Asheville; and

WHEREAS, improvements to the I-240 and I-26 corridors should be minimally impactful to the local community and should enhance the quality of life for residents and the quality of experience for visitors wherever possible; and

WHEREAS, NC DOT has been responsive to input from the City of Asheville and Buncombe County by including new bicycle and pedestrian facilities in the DEIS; and

WHEREAS, the NC DOT has committed to run the new, local travel demand model and undertake a capacity analysis that considers a six-lane alternative for Section A and has stated that fewer lanes would be built if these analyses demonstrate fewer lanes would be sufficient; and

WHEREAS, members of the community have expressed at the November 16 public hearing and through letters their strong preference for a project that addresses current congestion and safety problems but also one that is smaller overall, better reflects the character of Asheville, incorporates additional bicycle and pedestrian facilities, and minimizes harm to the affected neighborhoods of West Asheville, Burton Street, Emma, and Montford; and

WHEREAS, the City of Asheville seeks a closer working relationship with NC DOT on the ongoing design of this project to ensure its impacts are minimized;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville calls on NC DOT to use any and all tools at its disposal to reduce the overall size and impact of the project on Asheville's neighborhoods and businesses and to improve community connectivity through inclusion of additional bicycle and pedestrian elements required by NC DOT's Complete Streets policy, reflected in adopted City plans and policies, and referenced in the December 9, 2015, cover letter and December 8, 2015, Memorandum from the City of Asheville, both of which are specifically incorporated herein by reference.

2. The City of Asheville further calls on NC DOT to analyze in both the travel demand model and the capacity analysis a six-lane alternative in Section A (the West Asheville section) coupled with four lanes for I-26 in Section B (the bridge section) and to construct as few lanes as possible to address safety and congestion.

3. The City of Asheville further calls on NC DOT to partner with the City in creating a collaborative working group of City appointees and NC DOT design professionals that will meet regularly starting in early 2016 and throughout the design phase to:

    a. minimize the project's size and impact, which will provide community benefits and reduce cost
    b. ensure adequate consideration of the concerns listed in the City's comment letter
    c. analyze the travel demand model, capacity analysis, and the methodology of calculating Level of Service in an effort to gain consensus on these foundational elements of the project.
    d. identify opportunities to return land around the project to productive, tax-generating use and to ensure land on the east side of the river under any new bridges is put to use in a way that enhances the riverfront.
    e. identify opportunities to repair or redress impacts of previous transportation projects on neighborhoods and businesses.

4. In order to provide the most benefit to the Asheville community while also accommodating through traffic, and for all the reasons stated in the City of Asheville's comment letter, the City of Asheville endorses Alternatives 4 and 4B for Section B and calls on NC DOT to further minimize the size and scale of these alternatives, particularly the impacts on the Burton Street Community, the impacts of Alt. 4 on the Emma Community, and the impacts of Alt. 4B on the Montford Community. Following completion of the new travel demand model and capacity analysis and focused exploration with NC DOT of options to reduce the overall size and impact of the project, the City of Asheville anticipates being able to endorse a single alternative but, in the absence of additional information, is not able to do so at this time.

5. The City of Asheville endorses Alternative F1 for Section C (I-40/I-26/I-240 interchange) in order to minimize the footprint and cost, while achieving the primary objective of creating full movement between interstate highways. For the reasons cited in the City's comment letter, the City of Asheville does not endorse the increased expense associated with the proposed collector roads and widening of I-40 east of Brevard Road.

Read, approved and adopted this the 8th day of December, 2015.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

348

RESOLUTION NO. 16-1

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, former Councilman Chris Pelly has resigned as the ex-officio non-voting City Council member on the Citizens-Police Advisory Committee, thus creating a vacancy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilman Keith Young be and he is hereby appointed to serve as the ex-officio, non-voting City Council member on the Citizens-Police Advisory Committee according to the length of his Council term of office.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bowlesson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16-2

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL

WHEREAS, as Councilman Gordon Smith has resigned as a member of the Asheville-Buncombe Community Relations Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilman Keith Young be and he is hereby appointed as a voting member to the Asheville-Buncombe Community Relations Council to serve a term according to the length of his Council term of office.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-3

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE DOWNTOWN COMMISSION

WHEREAS, former Councilman Jan Davis has resigned as a member of the Downtown Commission, thus creating a vacancy for a voting City Council member;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilman Brian Haynes be and he is hereby appointed to serve as a voting member on the Asheville Downtown Commission until he is no longer a member of City Council.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-4

RESOLUTION APPOINTING MEMBERS TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE

WHEREAS, former Vice-Mayor Marc Hunt has resigned as a member of the HUB Community Economic Development Alliance, representing the seat of a Planning & Economic Development Committee member;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Vice-Mayor Gwen Wisler be and she is hereby appointed as the City Council appointee and member of the City Council Planning & Economic Development Committee to serve a a member of the HUB Community Economic Development Alliance until she is no longer a member of City Council or is no longer a member of the City Council Planning & Economic Development Committee.

Councilwoman Julie Mayfield be and she is hereby appointed to serve as an Alternate on the HUB Community Economic Development Alliance until she is no longer a member of City Council.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bowlesom
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesom
City Clerk

352

RESOLUTION NO. 16-5

RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

WHEREAS, the term of Chris Pelly, as a member on the Metropolitan Sewerage District Board of Directors; expires on January 19, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Chris Pelly, 95 Cisco Road, Asheville, North Carolina, be and he is hereby reappointed to serve another three-year term, term to expire January 19, 2019, or until his successor has been appointed.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 16-6

RESOLUTION APPOINTING THE CHAIRMAN TO THE POLICE OFFICERS AND FIREFIGHTERS DISABILITY REVIEW BOARD

WHEREAS, there is a need to appoint the Vice-Mayor to serve as the Chairman of the Police Officers and Firefighters Disability Review Board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Vice-Mayor Gwen Wisler be and she is hereby appointed as the City Council representative, to serve as Chairman, to the Police Officers and Firefighters Disability Review Board to serve a term according to the length of her Vice-Mayor term of office.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bullesson
CITY CLERK

E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullesson
City Clerk

RESOLUTION NO. 16-7

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, former Councilman Jan Davis has resigned as a member of the Asheville Area Riverfront Redevelopment Commission, thus creating a vacancy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilman Cecil Bothwell be and he is hereby appointed to the Asheville Area Riverfront Redevelopment Commission to serve as the City Council voting member until he is no longer a member of the Asheville City Council.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Burleson
CITY CLERK

E. Mahler
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 16-8

RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, former Councilman Jan Davis has resigned from the ex-officio non-voting member on the Buncombe County Tourism Development Authority, thus creating a vacancy for a City Council representative;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilwoman Julie Mayfield be and she is hereby appointed as the ex-officio non-voting City Council representative on the Buncombe County Tourism Development Authority to serve a term according to the length of her Council term of office.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bullion
CITY CLERK

E. Mahaffey
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 16-9

RESOLUTION AMENDING THE 2016 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council will hold their annual retreat on January 29 and 30, 2016, beginning at 8:30 a.m. in the 1st Floor Conference Room of the County Administration Building located at 200 College Street, Asheville, North Carolina.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 16-10

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE 2012 MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE

WHEREAS, on October 9, 2012, by Resolution No. 12-228, the City approved the Municipal Records Retention and Disposition Schedule issued September 10, 2012, by the N. C. Department of Cultural Resources, Division of Archives and History; and

WHEREAS, in an effort to promote good municipal records management, the N. C. Department of Cultural Resources, Division of Archives and History, has amended the 2012 Schedule; and

WHEREAS, the first amendment (dated October 2, 2014) to Standard 9 (Law Enforcement Records) was previously adopted by City Council on February 10, 2015, by Resolution No. 15-33; and

WHEREAS, the second amendment to Standard 12 (Personnel Records) clarifies language for retention period of employee eligibility records;

WHEREAS, it is in the best interest of the City of Asheville to promote municipal records management as provided by the N. C. Department of Cultural Resources, Division of Archives and History;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor of the City of Asheville be authorized to execute an amendment dated January 5, 2015, to the Municipal Records Retention and Disposition Schedule by and between the N. C. Department of Cultural Resources, Division of Archives and History, and the City of Asheville.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 16-11

RESOLUTION ESTABLISHING INDIGENOUS PEOPLES' DAY

WHEREAS, the City of Asheville recognizes that the Indigenous peoples of the lands that would later become known as the Americas have occupied these lands since time immemorial; and

WHEREAS, the City recognizes that Asheville is built upon the homelands and villages of the Indigenous Peoples of this region; and

WHEREAS, the City values the many contributions made to our community through Indigenous Peoples' knowledge, labor, technology, science, philosophy, arts, and the deep cultural contribution that has substantially shaped the character of the City of Asheville and of western North Carolina; and

WHEREAS, the city supports economic, social, and environmental equity for Indigenous Peoples and

WHEREAS, the city honors our nation's indigenous roots, history, and contributions; and

WHEREAS, Indigenous Peoples' Day was first proposed in 1977 by a delegation of native nations to the United Nations-sponsored International Conference on Discrimination Against Indigenous Populations in the Americas;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: The City of Asheville strongly supports the proposition that Indigenous Peoples' Day shall be an opportunity to celebrate the thriving culture and values of Indigenous Peoples of our region.

Section 2: The City of Asheville affirms that it is city policy to participate in the annual Indigenous Peoples' Day celebrations and activities.

Section 3: The City of Asheville applauds the Asheville City schools for teaching indigenous peoples' history.

Section 4: The City of Asheville encourages businesses, organizations, and other public institutions to recognize Indigenous Peoples' Day.

Section 5: The Mayor and City Council of Asheville declare the second Monday in October as Indigenous Peoples' Day in the City of Asheville.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 16-12

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANT AGREEMENT WITH THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR $1 MILLION FROM THE 2015 TOURISM PRODUCT DEVELOPMENT FUND CYCLE

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-17.1 the City is authorized to make contracts and accept grants from other governments and their agencies; and

WHEREAS, the BCTDA awarded the City $1 million of funds for Riverfront Destination Development Project 2.0 in October 2015; and

WHEREAS, the City of Asheville wishes to leverage funds for the Economic Development Capital Improvement Plan; and

WHEREAS, City Council has identified implementation of riverfront redevelopment capital improvement projects as a key strategic goal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign the grant agreement with the BCTDA for $1 Million of 2015 Tourism Product Development Fund cycle funds.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

360

RESOLUTION NO. 16-13

RESOLUTION AUTHORIZING THE FIRE DEPARTMENT TO APPLY FOR A GRANT FROM THE US DEPARTMENT OF HOMELAND SECURITY TO OBTAIN FUNDING FOR STRUCTURAL FIREFIGHTING PERSONAL PROTECTIVE EQUIPMENT AND TO ACCEPT GRANT FUNDING IF AWARDED

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government; and

WHEREAS, the US Department of Homeland Security is taking applications for the Fiscal Year 2015 AFG grant program for the purpose of providing equipment and tools for firefighters; and

WHEREAS, the Asheville Fire Department wishes to apply for a grant in the amount of $500,000 to obtain funding for Structural Firefighting Personal Protective Equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The fire department is hereby authorized to apply for the Fiscal Year 2015 AFG grant with the US Department of Homeland Security, for a grant in the amount of $500,000 to obtain funding for Structural Firefighting Personal Protective Equipment, and to accept grant funding if awarded.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 16 - 14

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR GRANTS OF FEDERAL TRANSPORTATION FUNDING, AND IF SUCCESSFUL, TO ACCEPT SUCH GRANTS AND EXECUTE NECESSARY AGREEMENTS WITH THE METROPOLITAN PLANNING ORGANIZATION OR STATE OR FEDERAL AGENCIES TO ACCEPT THE FUNDING

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has opened a call for projects for federal section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Grants funds; and

WHEREAS, the City of Asheville has identified projects that are eligible for this funding; and

WHEREAS, if any of these projects are funded, agreements can be expected to be required from the granting and administering agencies prior to receipt of the grant;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council of the City of Asheville hereby authorizes the City Manager to apply to the French Broad River MPO for 5310 funding.

2. The City Council of the City of Asheville hereby authorizes the City Manager to sign and execute agreements between granting or administering agencies and the City of Asheville to accept the grant(s) and approve the projects.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 16-15

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF A CONCRETE SIDEWALK ALONG BOTH SIDES OF NC 191 (BREVARD ROAD) AT ITS INTERSECTION WITH I-26 AND FOR THE INSTALLATION OF FOUR CONCRETE BUS PADS AS A PART OF PROJECT I-5504

WHEREAS, pursuant to N.C.G.S. 160A-296, the City has general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) has prepared and adopted plans to make certain street and highway improvements within the City of Asheville under project I-5504, Buncombe County, said plans to upgrade the interchange of I-26 and NC 191 (Brevard Road) and widen and reconstruct I-26 from east of Brevard Road to east of Pond Road; and

WHEREAS, the NCDOT agrees to acquire the right-of-way and construct the project in accordance with the approved project plans; and

WHEREAS, at the request of the City, the NCDOT shall construct about 5,750 linear feet of concrete sidewalk along both sides of Brevard and four concrete bus pads, and the City shall reimburse the NCDOT 40% of the actual construction cost of the sidewalk and 100% of the actual construction cost of the bus pads, which is estimated to be $58,218; and

WHEREAS, the agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign a municipal agreement with the North Carolina Department of Transportation (NCDOT) for the installation of a concrete sidewalk along both sides of NC 191 (Brevard Road) at its intersection with I-26 and for the installation of four concrete bus pads at locations designated by the City of Asheville as a part of project I-5504.

Read, approved and adopted the 12th day of January, 2016.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Seal

RESOLUTION NO. 16- 16

RESOLUTION AUTHORIZING THE PRIVATE SALE OF CITY- OWNED REAL PROPERTY LOCATED ON STATE STREET

WHEREAS, N.C. Gen. Stat. Sec. 160A-279 authorizes the City to convey by private sale an interest the City has in real property to an entity carrying out a public purpose; and

WHEREAS, N. C. Gen. Stat. Sec. 160A-267, requires City Council, when proposing to dispose of an interest in real property by private sale, to adopt a resolution or order authorizing the disposal at a regular council meeting; and

WHEREAS, the City owns approximately .18 acres of real property located on State Street, more particularly identified on the Buncombe County tax map as PIN No. 963851983000000 (DB 454 at Page 318); and

WHEREAS, Mountain Housing Opportunities (herein "MHO") has delivered to the City of Asheville a letter of intent requesting to purchase said property for the sum of $34,700 and;

WHEREAS, the parcel is to be specifically restricted at conveyance to be used to support the development of at least 6 single-family homes which will be affordable to and sold to families with income below 80% of area median income, adjusted for family size;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to execute documents and convey to Mountain Housing Opportunities by private sale the City's interest in the real property located on State Street, upon the approval of the City Attorney;

2. The City Clerk is hereby authorized to publish a notice summarizing the contents of this resolution once after its adoption in a newspaper of general circulation within the City, and no sale shall be consummated hereunder until 10 days after publication of such notice.

Read, approved and adopted the 12th day of January, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 16-17

RESOLUTION IN SUPPORT OF THE DESIGNATION OF THE ASHEVILLE HOUSING AUTHORITY'S LEE WALKER HEIGHTS PROJECT AS A REDEVELOPMENT PROJECT

WHEREAS, the Asheville Housing Authority, in partnership with Mountain Housing Opportunities, plans to submit an application for low income housing tax credits to the North Carolina Housing Finance (NCHFA) for the redevelopment of Lee Walker Heights and desires to have this project considered a "redevelopment project" application by NCHFA; and

WHEREAS, in order to be considered a "redevelopment project" by NCHFA, certain criteria must be met, of which one option includes evidence that there is a waiver of impact, tap, or related fees normally charged for the project; and

WHEREAS, the City has established an Affordable Housing Fee Rebate of 50% of City permit and water tap fees for which City staff has confirmed this project will qualify, but to meet certain North Carolina Housing Finance Agency requirements for the project, that fee incentive must be approved as an advance waiver.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville approve a waiver of 50% of all permit, tap, and other City development fees for this important redevelopment project; and

2. The Mayor is hereby authorized to provide a letter to the Housing Authority confirming the approved waiver of fees

Read, approved and adopted the 12th day of January, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 16-18

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

WHEREAS, the term of Christine Longoria, Alternate member on the Board of Adjustment expires January 21, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Christine Longoria, 11 Ramoth Road, Asheville, N.C. be and she is hereby appointed as an Alternate member of the Board of Adjustment, to serve a three-year term, term to expire January 21, 2019, or until her successor has been appointed.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-19

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL

WHEREAS, the term of Kathryn Liss, as a member of the Asheville-Buncombe Community Relations Council, expired on December 31, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Kathryn Liss, 11 Von Ruck Court, Asheville, N.C., be and she is hereby appointed to the Asheville-Buncombe Community Relations Council, to serve an additional three-year term, term to expire December 31, 2018, or until her successor has been appointed.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-20

RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, the terms of Lawrence Pittman, Torin Kexel and Josh O'Conner, as members of the Sustainable Advisory Committee on Energy & the Environment, expired on December 31, 2015; and

WHEREAS, Katie Bray has resigned from the Commission, thus leaving an unexpired term until December 31, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Lawrence Pittman, 442 Cedar Lane, Arden, N.C., be and he is hereby reappointed to the Sustainable Advisory Committee on Energy & the Environment, to serve an additional three year term, term to expire December 31, 2018, or until his successor has been appointed.

(2) Mr. Keith McDade, 257 Westover Alley, Asheville, N.C., be and he is hereby appointed to the Sustainable Advisory Committee on Energy & the Environment, to serve a three year term, term to expire December 31, 2018, or until his successor has been appointed.

(3) Mr. Josh O'Conner, 584 Fairview Road, Asheville, N.C., be and he is hereby reappointed to the Sustainable Advisory Committee on Energy & the Environment, to serve an additional three year term, term to expire December 31, 2018, or until his successor has been appointed.

(4) Mr. Geoffrey Habron, 196 Morningside Drive, Asheville, N.C., be and he is hereby appointed to the Sustainable Advisory Committee on Energy & the Environment, to serve the unexpired term of Ms. Bray, term to expire December 31, 2017, or until his successor has been appointed.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bowlson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-21

RESOLUTION APPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

WHEREAS, the term of Pat Leckey, as a member of the Firemen's Relief Fund, expired on January 1, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Alfred Kalahati, Post Office Box 6402, Asheville, N.C., be and he is hereby appointed, as a member of the Firemen's Relief Fund, to serve a two year term, term to expire January 1, 2018, or until his successor has been appointed.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 16-22

RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, the term of Ms. Celeste Collins, as a member on the Homeless Initiative Advisory Committee, expires November 1, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Amy Upham, 200 Ridgefield Court, Asheville, N.C., be and she is hereby appointed as a member of the Homeless Initiative Advisory Committee, to serve a three-year term, term to expire on November 1, 2018, until her successor has been appointed.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 16-23

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, the term of Pattiy Torno, as a member on the Asheville Area Riverfront Redevelopment Commission, expired on January 1, 2016; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Jane Mathews 12 The Circle, Asheville, N.C., be and she is hereby appointed to the Asheville Area Riverfront Redevelopment Commission to serve a three year term, term to expire January 1, 2019, or until her successor has been appointed.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 16-24

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TREE COMMISSION

WHEREAS, the terms of Stephen Hendricks and Leslee Reiter, as members on the Asheville Tree Commission, expired on December 31, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Stephen Hendricks, 27 Colonial Place, Asheville, N.C., be and he is hereby reappointed as a member of the Asheville Tree Commission, to serve a three-year term, term to expire December 31, 2018, or until his successor has been appointed.

(2) Mr. Carl Nyberg, 9 Buckingham Court, , Asheville, N.C., be and he is hereby appointed as a member of the Asheville Tree Commission, to serve a three-year term, term to expire December 31, 2018, or until his successor has been appointed.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bowlesson
CITY CLERK

Edwin C. Marler
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

372

RESOLUTION NO. 16-25

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AND SIGN AN EASEMENT AT 152 SHELBURNE ROAD FOR THE HOMINY CREEK GREENWAY

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, Ms. Jessie Corpening, hereinafter the Property Owner, is the owner of property located at 152 Shelburne Road, identified as PINs# 9628902700; and

WHEREAS, the City of Asheville hereinafter City, has requested a Permanent Easement containing approximately 4,484 square feet or 0.10 acres over a portion of said property at 152 Shelburne Road; and

WHEREAS, the greenway improvements in the Hominy Creek Greenway Project for which the easements are requested will benefit the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council accepts this easement with appreciation, and hereby authorizes the Mayor to execute any and all documents, approved by the City Attorney, to accept and sign a permanent easement over a portion of property located at 152 Shelburne Road (PIN #9628902700) by Jessie Corpening for the purposes of implementing the Hominy Creek Greenway project.

Read, approved and adopted this 26th day of January, 2016.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 16-26

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SANITARY SEWER EASEMENT AT AMBOY ROAD/RIVERVIEW DRIVE AND CARRIER BRIDGE TO THE METROPOLITAN SEWERAGE DISTRICT FOR THE EMERGENCY BYPASS PUMP STAGING AREA

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at Amboy Road/Riverview Drive and Carrier Bridge, identified as PINs# 9648001832 and PINs # 9648002950; and

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina hereinafter MSD, has requested a Permanent Easement containing approximately 8,342.5 square feet over a portion of said property at Amboy Road/Riverview Drive and Carrier Bridge; and

WHEREAS, the sewer improvements in the Emergency Bypass Pump Staging Area Project for which the easements are requested will benefit the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located at Amboy Road/Riverview Drive and Carrier Bridge (PINS #9648001832 and PINS # 9648002950) to the Metropolitan Sewerage District of Buncombe County, North Carolina for the purposes of implementing the Emergency Bypass Pump Staging Area project.

Read, approved and adopted this 26th day of January, 2016.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

374

RESOLUTION NO. 16-27

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A CONSERVATION EASEMENT ON 16.50+/- ACRES OF REAL PROPERTY ALONG THE FRENCH BROAD RIVER LOCATED AT THE ASHEVILLE REGIONAL AIRPORT TO THE CAROLINA MOUNTAIN LAND CONSERVANCY FOR GREENWAY AND CONSERVATION PURPOSES

WHEREAS, N. C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville holds title to real property located at 61 Terminal Drive in Fletcher, known as the Asheville Regional Airport, and leases said property to the Asheville Regional Airport Authority; and

WHEREAS, the Carolina Mountain Land Conservancy has requested to purchase a conservation and greenway easement on approximately 16.50+/- acres of land at the Asheville Regional Airport located along the French Broad River; and

WHEREAS, the Carolina Mountain Land Conservancy has been awarded a North Carolina Clean Water Management Trust Fund grant for this purpose; and

WHEREAS, Asheville Regional Airport Authority Board approved this transaction and requests the City to approve; and

WHEREAS, all proceeds of sale are subject to Federal Aviation Administration (FAA) regulations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-273, the City Manager is hereby directed to convey the aforementioned real property at 61 Terminal Drive, Fletcher, to the Carolina Mountain Land Conservancy. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 26th day of January 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-28

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GIFT MOU AND TO ACCEPT A DONATION FROM THE MCKIBBON HOTEL GROUP, INC. FOR THE CITY'S AFFORDABLE HOUSING TRUST FUND

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property or personal property by gift, grant, bequest or any other lawful method; and

WHEREAS, the City of Asheville has an established Housing Trust Fund to address the need for affordable housing within the City; and

WHEREAS, the City is currently experiencing a severe shortage of affordable housing and the established Housing Trust Fund needs additional funds to meet this need; and

WHEREAS, the McKibbon Hotel Group, Inc. recognizes this affordable housing crisis and desires to make a donation to the City's Housing Trust Fund in the amount of $250,000 in order to help address this need; and

WHEREAS, McKibbon agrees to make this $250,000 irrevocable gift/donation to the City's Housing Trust Fund upon issuance of the certificate of occupancy for its One West Tower at Pack Square Renovation project (CO anticipated 2018) for the sole use and purpose of providing affordable housing within the corporate limits of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute the Gift Memorandum of Understanding with the McKibbon Hotel Group, Inc. and accept the donation of $250,000 for the City's Housing Trust Fund.

Read, approved and adopted this 26th day of January 2016.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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RESOLUTION 16- 29

A RESOLUTION TO SUPPORT THE "BAN THE BOX" INITIATIVE BY AMENDING THE CITY EMPLOYMENT APPLICATION TO NO LONGER REQUIRE DISCLOSURE OF PAST CRIMINAL HISTORY DURING THE INITIAL JOB APPLICATION PROCESS FOR CERTAIN POSITIONS WITHIN THE CITY

WHEREAS, formerly incarcerated people and people convicted of crimes represent a group of competent and qualified job seekers ready to contribute and add to the work force; and

WHEREAS, research has shown that lack of employment is a significant cause of recidivism and that people who are employed have proved significantly less likely to be re-arrested; and

WHEREAS, the inability to obtain employment contributes to a host of problems including high rates of unemployment, recidivism and increased crime; and

WHEREAS, "Ban the Box" is a national movement with the goal of increasing employment opportunities for people with past criminal convictions by removing questions from the employment application regarding past criminal history; and

WHEREAS, many other cities and counties throughout the United States, including Boston, Massachusetts; Chicago, Illinois; Minneapolis - St. Paul, Minnesota; San Francisco, California; Charlotte, North Carolina; and Austin, Texas have adopted new employment application practices in support of the "Ban the Box" initiative; and

WHEREAS, the City of Asheville desires to acknowledge its support for the "Ban the Box" campaign and commend those communities who have passed policies on this measure and implement similar policies in the City of Asheville; and

WHEREAS, this change is consistent with the City's policy which prohibits discrimination against any person for any reason that is not related to bona fide occupational qualifications for the relevant job classification or job performance;

WHEREAS, certain positions of employment with the City are of such sensitivity that employment applications for these positions will continue to include questions regarding past criminal history;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council is committed to the Ban the Box initiative and supports City staff's actions amending the City of Asheville employment application so as not to require disclosure of an applicant's prior criminal history during the initial job application process, except in certain circumstances.

Read, approved and adopted this 26th day of January, 2016.

Magdalen Bullerson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to Form:

CITY ATTORNEY

Magdalen Bullerson
City Clerk

RESOLUTION NO. 16-30

RESOLUTION AUTHORIZING SUBSTANTIAL AMENDMENT #1 OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2015-2016 TO THE U. S. DEPT. OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, the City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2015-2019; and

WHEREAS, on April 28, 2015 the City Council approved an Annual Action Plan for the use of these funds in 2015-2016; AND

WHEREAS, the Asheville Regional Housing Consortium Board has made a recommendation, consistent with the Strategic Plan, to amend the Action Plan for 2015-16;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Annual Action Plan 2015-16 be amended as follows:
   a. Removal of $928,064 of HOME funds from not viable projects;
   b. Allocation of those funds as follows:
   c.

Applicant	Project	Award
Givens Estate	Gerber Village Phase I	$150,000
HCHH	Dodd Meadows Phase III	$50,000
HAC	Oklawaha Village	$375,000
Madison County	Rural Rehabilitation	$53,064
MHO & Farmbound Holdings, LLC	Pinnacle Point	$300,000
TOTALS		**$928,064**

2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the Consolidated Action Plan.

Read, approved and adopted this 26th day of January, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 16-31

RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, Ms. Robin Raines, Mr. James Matrogiacomo and Ms. Laura Simmelink have resigned as members on the Affordable Housing Advisory Committee, leaving two unexpired terms until September 1, 2017, and one unexpired term until September 1, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Jo Ikelheimer, 89 St. Dunstan's Road, Asheville, N.C., be and she is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve the unexpired term of Ms. Raines, term to expire September 1, 2016, and then a full three-year term, term to expire September 1, 2019, or until her successor has been appointed.

(2) Ms. Laura Collins, 47 Maple Ridge Lane, Asheville, N.C., be and she is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve the unexpired term of Mr. Mastrogiacomo, term to expire September 1, 2017, or until her successor has been appointed.

(3) Mr. Barry Bialik, Post Office Box 475, Skyland, N.C., be and he is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve the unexpired term of Ms. Simmelink, term to expire September 1, 2017, or until his successor has been appointed.

Read, approved and adopted this 26th day of January, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-32

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE DOWNTOWN COMMISSION

WHEREAS, the terms of Brent Campbell, Rebecca Hecht, Dane Barrager and Pamela Winkler, as members on the Asheville Downtown Commission, expired on December 31, 2015;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Brent Campbell, 48 Curve Street, Asheville, N.C., be and he is hereby reappointed as a member of the Asheville Downtown Commission, to serve a three-year term, term to expire December 31, 2018, or until his successor has been appointed.

(2) Mr. Dane Barrager, Post Office Box 3017, Asheville, N.C., be and he is hereby reappointed as a member of the Asheville Downtown Commission, to serve an additional three-year term, term to expire December 31, 2018, or until his successor has been appointed.

(3) Ms. Pamela Winkler, 21 Battery Park Avenue, Asheville, N.C., be and she is hereby reappointed as a member of the Asheville Downtown Commission, to serve a three-year term, term to expire December 31, 2018 , or until her successor has been appointed.

(4) Ms. Franzi Charen, 84 Barnard Avenue, Asheville, N.C., be and she is hereby appointed as a member of the Asheville Downtown Commission, to serve a three-year term, term to expire December 31, 2018 , or until her successor has been appointed.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION: 16-33

RESOLUTION APPROVING SETTLEMENT OF DISPUTE BETWEEN THE CITY OF ASHEVILLE AND TERRY E. FISHER AND WIFE, BARBARA FISHER REGARDING 12 WAMBOLDT AVENUE, ASHEVILLE

WHEREAS, Terry E. Fisher and wife, Barbara Fisher (hereinafter referred to as "Property Owners") own property located at 12 Wamboldt Avenue, Asheville, North Carolina, more particularly described in a Deed of Trust recorded in Book 4517, Page 1405 of the Buncombe County Registry (hereinafter referred to as "The Property"), and;

WHEREAS, on or about the 5th day of September, 2015, water escaped from the City of Asheville water system, which Property Owners allege resulted in damage to The Property (hereinafter referred to as "The Incident"), and;

WHEREAS, JPMorgan Chase Bank, N.A. (hereinafter referred to as "Chase") holds a mortgage on The Property, and;

WHEREAS, the City of Asheville and the Property Owners, in order to avoid the additional costs and expenses of litigation, desire to enter into a Settlement Agreement and Release of All Claims, to resolve any and all existing or future claims between the Parties, and further agree that the performance of the obligations under such Agreement is not to be construed as an acknowledgment of wrongdoing or negligence, or an admission of liability whatsoever, by any of the Parties released, said liability being expressly denied, and;

NOW, THEREFORE, BE IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Settlement. Asheville shall pay the total sum of Two-Hundred and Seventy Five Thousand, One-Hundred and Sixty Three Dollars and Seventy Five Cents ($275,163.75), allocated and payable as follows:

a. The sum of Two-Hundred and Thirty Thousand, Eight-Hundred and Thirty Three Dollars and Seventy Five Cents ($230,833.75) to be made payable to Terry E. Fisher, Barbara Fisher, and JPMorgan Chase Bank, N.A. (Re: Claim No. 6242166), as a full and final settlement of any and all present or future claims arising out of, or relating in any way to, The Property and The Incident, and;

b. The sum of Forty Four Thousand, Three-Hundred and Thirty Dollars ($44,330.00) to be made payable to Terry E. Fisher and wife, Barbara Fisher, as full and complete settlement of any and all present or future claims arising out of, or relating in any way to, The Property and The Incident; including but not limited to, any claims for consequential damages, incidental damages, or damages to personal property, including any alternative living expenses and any and all other claims of any kind for any type of damages, whether such claims are known or unknown.

2. Release.

a. Simultaneously with, and in consideration of, the payment outlined in paragraph 1(a) above: i) the Property Owners shall deliver a fully executed and notarized Release; and ii) Chase shall deliver a fully executed and notarized Release. The payment outlined in paragraph 1(a) above may be released only upon receipt of a fully executed and notarized Release from both Chase and the Property Owners.

b. Simultaneously with, and in consideration of, the payment outlined in paragraph 1(b) above, the Property Owners shall deliver a fully executed and notarized Release. The payment outlined in paragraph 1(b) above may be released only upon receipt of a fully executed and notarized Release from the Property Owners.

3. Intent to Repair. Simultaneously with the payments outline above, Property Owners shall deliver a fully executed and notarized Intent to Repair.

4. Future Responsibility. The City of Asheville shall have no future liability whatsoever with respect to any present or future repairs, reconstruction or construction of The Property and all such expenses and risks shall be borne entirely by the Property Owners. The Agreement is intended as a full and final release of any and all claims which Property Owners, their heirs, assignees or any other person or lienholder could or might have against Asheville for any damage of any type resulting from, or as a consequence of The Incident.

5. The settlement described above is hereby approved, subject to the execution of appropriate settlement documents and releases by the Parties, as approved by the City Attorney's Office.

6. As required by N.C. Gen. Stat. § 143-318.11(a)(3), the terms of the settlement of the above-described matter are hereby made a matter of public record and the City Clerk is directed to enter this Resolution in the official minutes of the City Council as soon as possible after the settlement is concluded; and nothing herein may be construed as a waiver of government immunity with respect to any claims against the City of Asheville.

7. The Vice Mayor of the City of Asheville is hereby authorized to execute any settlement documents effectuating the above-described settlement with Terry E. Fisher and Wife, Barbara Fisher, upon approval of the City Attorney's Office.

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Read, approved and adopted this 26 day of January, 2016.

Magdalen Burleson
City Clerk

Vice Mayor

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 16-34

RESOLUTION AMENDING THE 2016 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The formal meeting of the Asheville City Council scheduled for Tuesday, February 9, 2016, is hereby cancelled.

Read, approved and adopted this 29th day of January, 2016.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 16-35

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH COOPER CONSTRUCTION COMPANY, INC. FOR THE PROJECT KNOWN AS ANGLE STREET BRICK SIDEWALK REHABILITATION

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the project involves the Rehabilitation of Brick Sidewalk that has Been Damaged; and

WHEREAS, bids were solicited for the project known as Angle Street Brick Sidewalk Rehabilitation, City of Asheville Project # TR-15-16-010; and

WHEREAS, Cooper Construction Company, Inc. of Flat Rock, NC was the lowest responsible bidder for the project; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

WHEREAS, the amount of the Agreement is $161,999 and the monies have been budgeted in the Public Works Department's Fiscal Year 2016 budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $161,999 plus a contingency of 20% ($32,400) with Cooper Construction Company Inc. and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount for the project known as Angle Street Brick Sidewalk Rehabilitation, City of Asheville Project # TR-15-16-010.

Read, approved and adopted this the 23rd day of February, 2016.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16-36

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH BELL ATLANTIC MOBILE OF ASHEVILLE, INC. D/B/A/ VERIZON WIRELESS FOR TELECOMMUNICATIONS EQUIPMENT ON CITY-OWNED PROPERTY AT 87 HAYWOOD STREET, KNOWN AS THE U.S. CELLULAR CENTER

WHEREAS, the City of Asheville is the owner of real property located at 87 Haywood Street, known as the U.S. Cellular Center, identified as PIN #9649-31-3304-00000; and

WHEREAS, Bell Atlantic Mobile of Asheville, Inc. d/b/a/ Verizon Wireless approached the City with a request to install cellular communication infrastructure within the building in order to better serve their customers; and

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into leases of 10 years or less upon resolution of the City Council adopted at a regular meeting after 30 days' public notice; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed license agreement on January 8, 2016 in the Asheville Citizen-Times; and

WHEREAS, the initial term of the lease agreement will be for ten (10) years with, for the rental rate of $9,600 per year, with annual increases to commence in year three (3) at 3% per year, and Verizon Wireless agrees to install fiber optic cable for the City's use; and

WHEREAS, the proposed lease agreement will not interfere with the current use of the property during the term of the lease;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute sec. 160A-272, the City Manager is hereby authorized to execute the License Agreement between the City of Asheville and Bell Atlantic Mobile of Asheville, Inc. d/b/a/ Verizon Wireless for antennas and related equipment at 87 Haywood Street. In addition, the City Manager be, and is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 23rd day of February, 2016.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

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RESOLUTION 16-37

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A JOINT JURISDICTIONAL AGREEMENT WITH THE BOARD OF TRUSTEES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE AND BUNCOMBE COUNTY TO EXPAND THE A-B TECH POLICE DEPARTMENT'S JURISDICTION

WHEREAS, pursuant to N.C. Gen. Stat. § 115D-21.1(b), the Board of Trustees of an institution of any community college in North Carolina that has a law enforcement agency established pursuant to N.C. Gen. Stat. § 115-21.1(a) may enter into a joint agreement with the governing board of a municipality where the college is located in order to expand the community college's law enforcement jurisdiction; and

WHEREAS, Asheville-Buncombe Technical Community College ("A-B Tech") has a law enforcement agency established pursuant to N.C. Gen. Stat. § 115-21.1; and

WHEREAS, The Board of Trustees of A-B Tech and Buncombe County wish to enter into a joint agreement granting the A-B Tech Police Department authority to perform law enforcement activities and use the power of arrest on real property leased by A-B Tech from Buncombe County, identified as PIN# 9648-33-7732, and more particularly described in a deed recorded in Book 4996, 1764 of the Buncombe County registry, and all property owned by the County and leased by A-B Tech that is contiguous to A-B Tech's property located at PIN# 9648-21-0661, more particularly described in a deed recorded in Book 1216, Page 35 of the Buncombe County registry;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor for the City of Asheville is hereby authorized to enter into a joint agreement with A-B Tech to allow the A-B Tech Police Department limited jurisdiction to perform law enforcement activities and have the powers of arrest as stated in N.C. Gen. Stat. § 15A-401, on real property leased by A-B Tech from Buncombe County, identified as PIN# 9648-33-7732, and more particularly described in a deed recorded in Book 4996, 1764 of the Buncombe County registry, and all property owned by the County and leased by A-B Tech that is contiguous to A-B Tech's property located at PIN# 9648-21-0661, more particularly described in a deed recorded in Book 1216, Page 35 of the Buncombe County registry.

Read, approved and adopted this 23rd day of February, 2016.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 16-38

RESOLUTION AUTHORIZING THE CITY MANAGER TO RECEIVE FUNDS FROM THE ASHEVILLE PARKS AND GREENWAYS FOUNDATION AND FRIENDS OF CONNECT BUNCOMBE TO CONDUCT A GREENWAY FEASIBILITY STUDY IN EAST ASHEVILLE: SWANNANOA RIVER GREENWAY CORRIDOR – PHASE ONE

WHEREAS, pursuant to N.C.G.S. §160A-353 the City is authorized to accept any gift or grant for parks and recreation programs; and

WHEREAS, The City Greenway Master Plan identifies this project area as part of the Swannanoa River Greenway Corridor; and

WHEREAS, The Asheville Parks and Greenways Foundation and Friends of Connect Buncombe have collected funds through fundraising efforts specifically for this project; and

WHEREAS, There will be no matching funds needed from the City to conduct this project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to approve this feasibility study.

Read, approved and adopted this 23rd day of February, 2016.

Magdalen Bullesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullesson
City Clerk

RESOLUTION NO. 16- 39

RESOLUTION TO APPROVE LOANS FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, pursuant to N.C.G.S 160A-456 the City is authorized to expend funds for Community Development programs and activities; and

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, six (6) qualified applications for Housing Trust Fund loans have been received; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposals from Beaucatcher Properties, LLC, Biotat, LLC, Groce united Methodist Church, Hearthstone, LCC, and Leah and James Kim (sole proprietors) and has made its recommendation to Council to approve the loans;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. A loan of $45,000 amortized at 4.50% interest for 30 years to Beaucatcher Properties, LLC for the development of three (3) single-family rental homes on Virginia Avenue; to be made immediately available for disbursement following loan closing. Three (3) single-family homes units are to be restricted to families earning 80% or less of the Area Median Income (AMI) and shall have a thirty (30) year affordability period.

2. A loan of $45,000 at 2.00% annual interest-only with principal deferred for twenty (20) years to Beaucatcher Properties, LLC for the development of three (3) garage apartments on three (3) lots on Virginia Avenue; to be made immediately available for disbursement following loan closing. Three (3) units are to be restricted to families earning 60% or less of the Area Median Income including voucher accepted (50% AMI) and shall have a twenty (20) year affordability period.

3. A loan of $300,000 at 2.00% annual interest-only with principal deferred for twenty (20) years to Beaucatcher Properties, LLC for the development of sixty (60) multifamily units on Simpson Street; to be made immediately available for disbursement following loan closing. Sixty (60) units are to be restricted to families earning 60% or less of the Area Median Income including voucher accepted (50% AMI) and shall have a twenty (20) year affordability period.

4. A loan of $520,000 amortized at a graduated 2.00% interest for 20 years to Biotat, LLC for the development of seventy-two (72) multifamily units on Oak Hill Drive. The graduated interest payment is as follows: year 1-5 at .05%, year 6-10 at 1%, year 11-15 at 1.5%, year 16-20 at 2%; all funds to be made immediately available for disbursement following loan closing. Thirty-six (36) units are to be restricted to families earning 60% or less of the area median income, including vouchers (50% AMI) and shall have a twenty (20) year affordability period.

4. A loan of $30,000 at 0% annual interest with principal deferred for twenty (20) years to Groce United Methodist Church for the development of two (2) units on Tunnel Road; on the condition that developer installs energy star appliances and other green features when possible; to be made immediately available for disbursement following loan closing. Two (2) units are to be restricted to homeless with children earning 60% or less of the Area Median Income, including vouchers (50% AMI) and shall have a twenty (20) year affordability period.

5. A loan of $128,000 at 2% annual interest-only with principal deferred for fifteen (15) years to Hearthstone, LLC for the development of sixteen (16) units on Booker Street; to be made immediately available for disbursement following loan closing. Sixteen (16) units are to be restricted to families earning 60% or less of the Area Median Income shall have a fifteen (15) year affordability period.

6. A loan of $150,000 at 0% annual interest with principal deferred for twenty (20) years to Leah and James Kim for the development of fifteen (15) units on White Pine Drive; to be made immediately available for disbursement following loan closing. Fifteen (15) units are to be restricted to veterans earning 60% or less of the Area Median Income, including vouchers (50% AMI) and shall have a fifteen (15) year affordability period.

Read, approved and adopted this 23rd day of February, 2016.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved As To Form:

City Attorney

Magdalen Bourleson
City Clerk

390

RESOLUTION NO. 16-40

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH BUCKEYE BRIDGE, LLC., FOR THE VICTORIA ROAD WATERLINE IMPROVEMENTS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the project involves construction and installation of approximately 5,000 Linear Feet of 12-inch Ductile Iron Pipe and other work and materials required in order to complete the project; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Victoria Road Waterline Improvements; and

WHEREAS, Buckeye Bridge, LLC., of Canton, NC was the lowest responsible, responsive bidder for the Project, in the amount of $673,514.50, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid; and

WHEREAS, the amount of the Agreement is for $673,514.50 plus a contingency amount of $81,000.50 for a total project budget of $754,515.00 and the monies have been budgeted in the Water Resources Capital Improvement Projects fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.

2. The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a construction agreement with Buckeye Bridge, LLC., for the bid amount of $673,514.50 plus a contingency amount of $81,000.50 for a total project budget in the amount of $754,515.00 for the Victoria Road Waterline Improvements Project and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 23rd day of February, 2016.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

Exhibit A

Bid Tabulation for the Victoria Road Waterline Improvements Project

Buckeye Bridge, LLC
PO Box 1367
654 Buckeye Cove Rd,
Canton, NC 28716
Total Bid: $ 673,514.50

Cooper Construction Company, Inc.
761 S Allen Rd
Flat Rock, NC 28731
Total Bid: $ 746,413.00

Davis Grading, Inc.
3420 W. Zion Church Rd
Shelby, NC 28150
Total Bid: $ 786,426.00

Patton Construction Group, Inc.
PO Box 15054
Asheville, NC 28813
Total Bid: $ 681,760.00

Thomas Construction Co., Inc.
PO Box 4806 CRS
Johnson City, TN 37602-4806
Total Bid: 799,865.00

T&K Utilities, Inc
204 Charlotte Hwy
Asheville, NC 28803
Total Bid: $ 804,950.00

RESOLUTION NO. 16-41

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH PATTON CONSTRUCTION GROUP, INC., FOR THE WATER SERVICE RENEWALS WEST PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Resources Department has the need to renew existing water services that have been identified as sub-standard as part of the department's ongoing Automated Meter Reading (AMR) water meter conversion project; and

WHEREAS, pursuant to N.C.G.S. § 143-131, informal bids must be obtained and the City must award to the lowest responsible and responsive bidder; and

WHEREAS, Patton Construction Group, Inc., was selected as the lowest responsible and responsive bidder by City staff in the amount of $346,800.00; and

WHEREAS, the amount of the Agreement is $346,800.00 plus a contingency amount of $34,680.00 for a total project amount of $381,480.00 and the monies have been budgeted in the Water Resources Capital Improvement Projects fund; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a construction agreement with Patton Construction Group, Inc., for the bid amount of $346,800.00 plus a contingency amount of $34,680.00 for a total project budget in the amount of $381,480.00 for the Water Resources Water Service Renewals West Project and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved, and adopted this 23rd day of February, 2016.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

Exhibit A

Bid Tabulation for the Water Resources
Water Service Renewals West Project

WATER SERVICE RENEWAL WEST							
Bid Tab				Patton Const.		Cooper Const.	
1	3/4 x 5/8 inch Water Service Renewal Complete Including Connection to Existing Corp Stop, Meter Box, Meter Setter, & Connection to existing house line.	115	EA	$1,250.00	$143,750.00	$1,704.00	$195,960.00
2	3/4-inch Copper Service Type K (Open Cut)	750	LF	$16.30	$12,225.00	$29.40	$22,050.00
3	3/4-inch Copper Service Type K (Bore)	1800	LF	$18.50	$33,300.00	$35.82	$64,476.00
4	Asphalt Pavement Repair 8-inch Stone Base & 2-inch Asphalt Surface Course (4ft x 5ft)	75	EA	$183.36	$13,752.00	$512.00	$38,400.00
5	Asphalt Surface Course 1.5-inch thick	5000	SY	$27.50	$137,500.00	$31.75	$158,750.00
6	Concrete Pavement Repair 8-inch Stone & 6-inch Concrete (4ft x 6ft Cut)	15	EA	$418.20	$6,273.00	$710.00	$10,650.00
TOTAL BID CONSRUCTION COST					$346,800.00		$490,286.00

RESOLUTION NO. 16-42

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CHANGE ORDER FOR THE EXISTING CONTRACT WITH TENNOCO CONSTRUCTION COMPANY FOR THE CONSTRUCTION SERVICES NECESSARY FOR THE COMPLETION OF THE CRAVEN STREET IMPROVEMENT PROJECT

WHEREAS, the City of Asheville has the authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, on June 24, 2014, City Council approved the contract with Tennoco Construction Company, Inc. in the amount of $6,901,570.66; and

WHEREAS, additional construction services are necessary in order to complete the project, creating additional cost related to the original construction budget approximately up to $185,000.00; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to complete negotiations and execute a change order up to $185,000.00 with Tennoco Construction Company, Inc. for the additional construction services associated with the Craven Street Improvement project. The total construction contract shall not exceed $7,086,570.66

Read, approved and adopted this the 23th day of February, 2016.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 16- 43

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNNAMED ALLEY LOCATED NEAR 119 AND 121 SAND HILL RD.

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a an unnamed alley located near 119 and 121 Sand Hill Rd.; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unnamed alley located near 119 and 121 Sand Hill Road, described as follows:

   Legal Description for Proposed Partial Closure of alley located near 119 and 121 Sand Hill Rd.

   Beginning at an Existing Iron Pin located in the Northern Right of Way of Sand Hill Road and the Western Right of Way of an unopened Road as shown on PB. 11 PG. 70 and known as Old Sand Hill Road and runs thence with the Western Right of Way Old Sand Hill Road and the property of Jennifer Ryan Fulton DB. 4358 Pg. 1903 and the line shown on PB. 83 Page 185, N 15-32-32 E 10.45' to a calculated point, thence N 08-27-07 E 70.01' to an Existing Iron Pin common comer of Jennifer Ryan Fulton and Debra S. Carter, thence with the line of Debra S. Carter N 08-27-07 E 26.74' to a calculated point, thence N 23-32-36 E 75.78' to a calculated point, thence N 34-58-02 E 18.39' to an Existing Iron Pin, thence with the line of Vivianne C. Wersel, DB. 5145 PG. 1336 and PB. 74 PG. 173, S 58-26-50 E 27.79' to an Existing Iron Pin located in the Eastern Right of Way of Old Sand Hill Road and the Northeast comer of Lot #1, PB. 11 PG. 70, thence with the land of Debra S. Carter and the Eastern Right of Way of Old Sand Hill Rd. S 34-58-02 W 27. 14' to an Existing Iron Pin, thence S 23-32-36 W 47.91' to an Iron Pin Set, the Northeast comer of DB. 1925 PG. 776, thence S23-32-36 W 12.00' to an Existing Iron Pin, the Northwest comer of Lot #1, PB. 11 PG. 70, thence continuing with the land of Debra S. Carter, S 11-36-14 W 67.10' to an Iron Pin Set at the Intersection of the Right of Way of Old Sand Hill Road and the Right of Way of Sand Hill Road, thence with the Right of Way of Sand Hill Road, S 40-57-21 W 43.52' to the Beginning.

   Having an area of 0.101 acres (4418 sq. ft.). The foregoing description is based on an unrecorded survey by William E. Anders, Jr., PLS, dated August 19, 2015, entitled Survey For: Debra S. Carter, 119 and 121 Sand Hill Road, Asheville, NC; a copy of said survey can be found in the Office of the City Clerk.

2. A public hearing on the question of permanently closing an unnamed alley located near 119 and 121 Sand Hill Road is hereby called for on March 22, 2016, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on March 22, 2016.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley located near 119 and 121 Sand Hill Road. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 23rd day of February, 2016.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 16- 44

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNNAMED ALLEY LOCATED BETWEEN OTEEN PARK PLACE AND PINE CONE DRIVE

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a an unnamed alley located between Oteen Park Place and Pine Cone Drive; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unnamed alley located between Oteen Park Place and Pine Cone Dr., described as follows:

Legal Description for Proposed Closure of alley located between Oteen Park Place and Pine Cone Dr.

Beginning at a 2 inch iron pipe filled with concrete in the western margin of the right of way for Oteen Park Place, said iron pipe marking the southeast comer of the Edson Degobbi and Lilian H. Degobbi property described in Record Book 5352, at Page 1061 of the Buncombe County, NC Register's Office (the "Registry"), and runs thence with the southern boundary of the Degobbi property North 84° 54' 33" West 112.47 feet to a % inch capped rebar at the southwest comer of the Degobbi property and the eastern margin of the right of way of Pine Cove Drive, said rebar more particularly located by Grid Coordinates Y=686835.34, X=9626! 7.70, NAD 83, 2011; thence with the margin of Pine Cove Drive South 4° 49' 12" West 15.00 feet to a % inch rebar at the northwest corner of the Paul & Doris G. Ray Living Trust property described in Record Book 4800, at Page 745 of the Registry; thence with the northern boundary of the Ray Trust property South 84° 54' 33" East 112.55 feet to a % inch rebar at the northeast comer of the Ray Trust property and in the western margin of Oteen Park Place; thence with the margin of Oteen Park Place North 4° 29' 13" East 15.00 feet to the point of Beginning; containing 0.039 acre, more or less, as shown on that "Boundary Survey for Lilian Degobbi" dated October 26, 2015, bearing Job File No. 15053, as prepared by NC Survey, P.C.

2. A public hearing on the question of permanently closing an unnamed alley between located between Oteen Park Place and Pine Cone Dr., is hereby called for on March 22, 2016, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on a March 22, 2016.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley located between Oteen Park Place and Pine Cone Dr. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 23rd day of February, 2016.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 16-45

RESOLUTION AMENDING THE ESTABLISHED CRITERIA FOR DESIGN-BUILD DELIVERY METHOD FOR CONSTRUCTION CONTRACTS

WHEREAS, on June 24, 2014, the City Council adopted Resolution 14-138 establishing the criteria for a Design-Build Method for Construction Contracts pursuant NC G.S. 143-128.1A; and

WHEREAS, later in 2014, the NC Legislature slightly amended the wording of one of these adopted criteria, Criteria 6, in Session Law 2014-42 replacing the terms "costs and benefits" with the terms "advantages and disadvantages"; and

WHEREAS, the City desires to amend the previously adopted criteria to be consistent with the language of the current statute;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) The criterion for the design-build delivery method for construction contracts established by Resolution No. 14-138, is hereby superseded and amended as follows:

Establishment of Criteria
Criteria 1: The extent to which the City can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications (RFQ) for a design-builder. The design-build method may be used if it is determined that, for the project, the City has professional staff that are both qualified and experienced to thoroughly define project requirements prior to the issuance of a request for qualifications (RFQ) for a design-builder. Consideration will be given to the qualifications and experience of City staff and the availability of professional staff in the areas of purchasing, finance and legal to assist in the development of an RFQ.

Criteria 2: The time constraints for the delivery of the project. The design-build delivery method may be used if a project has a firm date by which a facility must be operational and the normal delivery method (i.e. RFQ, study, design, bid and construct) is likely not to be timely. The size and cost of a project will dictate complexity and schedule.

Criteria 3: The ability to ensure that a quality project can be delivered. The design-build delivery method may be used if it is determined that, for the project, the City has professional and experienced staff to ensure that the design-build firm will provide a quality project within the budget constraints established by Council. Consideration will be given to the qualifications and experience of City staff charged with management of the project.

Criteria 4: The capability of the City to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery. The design-build delivery method may be used if it is determined that, for the project, the City has professional and experienced staff that are knowledgeable of design-build projects or, in the alternative, experienced consultants local to Asheville are available to be retained to perform the construction management of a design-build contract.

Criteria 5: A good-faith effort to comply with historically underutilized business participation requirements (NCGS 143-128.2, NCGS 143-128.4), and to recruit and select small business entities. The design-build delivery method may be used if it is determined that, for the project, requirements will be imposed which ensure that contractors will comply with the M/WBE goals set by Council.

Criteria 6: The criteria utilized by the City, including a comparison of the advantages and disadvantages of using the design-build delivery method of a given project in lieu of the other delivery methods identified. The criteria utilized by the City when considering a design-build delivery method for a project will be as follows:

- Is the project well defined and does it include qualitative and quantitative characteristics that make a design-build contract more appropriate than other methods of delivery?
- Is the project timeline overly constrained and will it be necessary to have the facility complete and operational within a short timeframe?
- Will it be necessary to have beneficial use of a portion of the facility while it is under construction?
- Given the scope of the project, is there a maximum budget that must be adhered to in order to allow negotiations and flexibility to make appropriate decisions on scope as the project progresses?
- Does the design-build delivery method meet the ultimate operational goals established for a given facility and the quality of product achieved as a result of a more fluid and flexible delivery method?

(2) The City Manager or his designee is authorized to review and approve the criteria for each individual design-build project to ensure compliance with this adopted criteria.

Read, approved and adopted this 23rd day of February, 2016.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 16-46

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO PROVIDE A SECTION 5307 CAPITAL GRANT TO BE USED FOR THE STATE MATCH TO PURCHASE ONE VAN FOR HENDERSON COUNTY'S TRANSIT SYSTEM

WHEREAS, Henderson County is a sub-recipient of Federal funds through the City of Asheville; and

WHEREAS, as part of the sub-recipient agreement, the City of Asheville is required to execute agreements and purchase and own all of Henderson County's capital assets that are purchased with Federal funding; and

WHEREAS, Henderson County has identified the need to replace one van in its transit fleet as one of the priorities in their capital program; and

WHEREAS, the new van will be an essential part of daily operations by increasing reliability, fuel efficiency, and reducing maintenance costs; and

WHEREAS, Henderson County has identified all of the funding sources needed to fund the project; and

WHEREAS, the City of Asheville has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to provide a Section 5307 Capital Grant in the amount of $5,112 to be used for the State match to purchase a replacement van for Henderson County's transit system.

Read, approved and adopted this the 8th day of March, 2016.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16- 47

RESOLUTION TO ACCEPT EMERGENCY SOLUTIONS GRANT FUNDS AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the State of North Carolina has received Emergency Solution Grant (ESG) funds for FY 2016 from the US Department of Housing and Urban Development; and

WHEREAS, the State made these funds available to Continuums of Care in the State, and required that each Continuum of Care submit one regional application for ESG funds ; and

WHEREAS, the City of Asheville has agreed to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services; and

WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has awarded the City, as fiscal agent, $118,965;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville accept funds for the Emergency Solutions Grant;
2. Council authorizes the City Manager to sign all necessary application documents with the State of North Carolina.

Read, approved and adopted this 8th day of March, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-48

RESOLUTION AUTHORIZING AN AMENDMENT TO THE EXISTING LEASE AGREEMENT BETWEEN BELLSOUTH TELECOMMUNICATIONS, INC., D/B/A AT&T NORTH CAROLINA AND THE CITY OF ASHEVILLE FOR PUBLIC PARKING AT 24 O.HENRY AVENUE IN DOWNTOWN ASHEVILLE

WHEREAS, N. C. Gen. Stat. sec. 160A-19 and N. C. Gen. Stat. sec. 160A-240.1 authorize the City to acquire leases of real property for use by any department of the City; and

WHEREAS, is Bellsouth Telecommunications, Inc., d/b/a AT&T North Carolina is the owner of real property located at 24 O.Henry Avenue, identified as PIN # 9649-20-5843-00000; and

WHEREAS, the City of Asheville would like to extend the existing lease for an additional five year term for a portion of said property for use of 47 public parking spaces; and

WHEREAS, the rental beginning August 2016 for the leased premises will be $2,844 per month with 2% annual increases;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an amendment to the existing Lease Agreement between Bellsouth Telecommunications, Inc., d/b/a AT&T North Carolina and the City of Asheville for a portion of the parking lot located at 24 O.Henry Avenue at PIN # 9649-20-5843-00000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law:

Read, approved and adopted this 8th day of March, 2016.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

404

RESOLUTION NO. 16-49

RESOLUTION TO ACCEPT THE STREET NAME CHANGE FROM "MERRITT STREET" TO "BIRD DOG WAY" and "MERRITT PARK LANE"

WHEREAS, the City has the authority pursuant to G.S. 160A-296 and City Code Sec. 16-175 to change the names of public streets within the City's jurisdiction; and

WHEREAS, the owners of property adjoining a portion of Merritt Street Petitioned to change the name of "Merritt Street" for the south section to "Bird Dog Way " and City staff recommends the north section change to "Merritt Park Lane"; and

WHEREAS, City staff has identified another street named Merritt within nearby 28806 zip code and the duplication of street names has the potential for misdirection or miscommunication, which can hinder the response of emergency services to the citizens of the City of Asheville; and

WHEREAS, Buncombe County Emergency Services Department, City of Asheville Traffic Engineering Division, and Asheville Police and Fire Departments have confirmed that Bird Dog Way and Merritt Park Lane will not duplicate another street name elsewhere in Buncombe County or impair the delivery of municipal or emergency services; and

WHEREAS, notice of the public hearing has been posted prominently at a minimum of two places on the street and notice was published at least once in a newspaper of general circulation; and

WHEREAS, a public hearing on this matter was held on March 8, 2016; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The street name change from "Merritt Street" to "Bird Dog Way" for the south section and "Merritt Park Lane" for the north section be accepted and that such name acceptance be effective upon adoption of this resolution.

2. The Director of Public Works is hereby directed to cause this street name change to be entered on the City of Asheville City Maintained Street Inventory.

Read, approved and adopted this 8th day of March, 2016.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-50

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ASHEVILLE DESIGN CENTER FOR SERVICES RELATED TO THE COMMUNITY VISIONING PROCESS FOR CITY-OWNED PROPERTIES LOCATED AT 68-76 HAYWOOD STREET AND 33-37 PAGE AVENUE

WHEREAS, pursuant to N.C.G.S. 160A-20.1, the City may contract with and appropriate money to any person or corporation in order to carry out a public purpose; and

WHEREAS, the Asheville Design Center proposes to work with city staff to facilitate a community visioning process for city-owned properties at 68-76 Haywood Street and 33-37 Page Avenue in downtown Asheville; and

WHEREAS, the outcomes of the visioning process will be designed to inform future actions on the subject sites and surrounding rights-of-way; and

WHEREAS, the city's financial commitment is $15,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with the Asheville Design Center for the purpose of conducting a community visioning process for 68-76 Haywood Street and 33-37 Page Avenue.

Read, approved and adopted this 8TH day of March 2016.

Magdalen Bowlleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlleson
City Clerk

406

RESOLUTION NO. 16-51

RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT A FARE-FREE DAY ON MARCH 15, 2016, IN ORDER TO INCREASE OPPORTUNITIES FOR VOTERS ON ELECTION DAY

WHEREAS, voting is the foundation of our democracy; and

WHEREAS, March 15 is the primary election day for President, U.S. Senate, Governor, Lieutenant Governor, Attorney General, Commissioner of Labor, Treasurer, and Buncombe County Commission; and

WHEREAS, barriers to voting include difficulty accessing transportation; and

WHEREAS, the Asheville City Council affirms that all registered voters should have access to the polls; and

WHEREAS, fare-free transit days are an inexpensive way to demonstrate support for the population that does not have access to affordable transportation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to implement a fare-free day on March 15, 2016, in order to reduce barriers to voting.

Read, approved and adopted this 8th day of March, 2016.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16-52

RESOLUTION APPOINTING A MEMBER TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE

WHEREAS, due to Julie Mayfield being elected to the Asheville City Council, she has resigned her seat on the HUB Community Economic Development Alliance, thus leaving a vacancy until August 22, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Sandra Frempong, 123 Willow Oak Drive, Asheville, N.C., be and she is hereby appointed as a member to the HUB Community Economic Development Alliance, to serve the unexpired term of Ms. Mayfield, term to expire August 22, 2018, or until her successor has been appointed.

Read, approved and adopted this 8th day of March, 2016.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-53

RESOLUTION APPOINTING A MEMBER TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, due to Julie Mayfield being elected to the Asheville City Council, she has resigned her seat as the Transit Committee representative on the Multimodal Transportation Commission, thus leaving a vacancy until July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Kimberly Roney, 293 Westwood Place, Asheville, N.C., be and she is hereby appointed, as a member of the Multimodal Transportation Commission (representing transit interests), to serve the unexpired term of Ms. Mayfield, term to expire July 1, 2018, or until her successor has been appointed.

Read, approved and adopted this 8th day of March, 2016.

Magdalen Bowlson
CITY CLERK

Edwin G. M...
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-54

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO A CONTRACT WITH SITEWORK STUDIOS, PLLC FOR ENGINEERING CONSTRUCTION DOCUMENTS FOR THE CLINGMAN FOREST AND TOWN BRANCH GREENWAYS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, on February 22, 2011, the City Council approved the Cooperative Agreement with the Federal Transportation Administration for the use of TIGER II Planning Grant funds, including the allocation of funds for Greenways and RADTIP; and

WHEREAS, a Request for Qualifications was issued on February 22, 2012 for design and engineering services for the Clingman Forest and Town Branch Greenway, and Sitework Studios, PLLC was selected following a thorough staff review and evaluation; and

WHEREAS, City Council on January 8, 2013 City Council authorized the City Manager to enter into a contract with Sitework Studios, PLLC to prepare architectural and engineer construction documents for the Town Branch and Clingman Forest Greenways in the original amount of $370,000, and this contract was amended in September 2013 to $495,000 and the contract requires an additional amendment to finalize the documents for the Federal Highway Administration review and approval increasing the total contract amount to $540,000; and

WHEREAS, the City Council has approved funding via the Capital Improvement Project budget for Stormwater and Greenways;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an amendment to the existing contract on behalf of the City of Asheville with Sitework Studios in an additional amount not to exceed $45,000.00 for the Clingman Forest and Town Branch Greenways engineering construction documents and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 22nd day of March, 2016.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

410

RESOLUTION NO. 16-55

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF INTENT AND ACCEPT AND EXECUTE GREENWAY EASEMENTS ALONG THE RHODODENDRON CREEK GREENWAY

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, Mountain Sun Building & Design LLC, Davenport Park Homeowners Association, Inc., and Green Development, LLC, hereinafter the Property Owners, are the owners of properties located in the vicinity of Shelburne Rd, Estes Ct, and Rhododendron Creek with identified with PINs as follows: PINs 9628-92-4520 (Mountain Sun Building & Design, LLC)); 9628-92-7134 (Davenport Park Homeowners Assoc., Inc.); and 9628-92-6513, 9628-92-6562,9628-92-5672 (Green Development, LLC); and

WHEREAS, the aforementioned Property Owners have offered to donate to the City of Asheville Permanent Easements containing approximately 24,754 square feet or 0.57 acres over a portion of each of their properties for purposes of a greenway; and

WHEREAS, the proposed greenway easement area lie within the Rhododendron Creek Greenway of the City of Asheville Greenway Master Plan and will benefit the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Letter of Intent and any other necessary documents and , to accept and execute permanent easements over a portion of property located in the Shelburne Rd, Estes Ct, and Rhododendron Creek (PIN #9628-92-4520, 9628-92-6513, 9628-92-6513, 9628-92-6562, 9628-92-6513) by Mountain Sun Building & Design, The Davenport Homeowners Assoc., Inc. and Green Development, LLC for the purposes of land banking easements for the Rhododendron Creek Greenway.

Read, approved and adopted this 22nd day of March, 2016.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson

RESOLUTION NO. 16-56

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A CONTRACT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT TO PROVIDE A REGIONAL HAZARDOUS MATERIALS EMERGENCY RESPONSE TEAM SIX (6) – ASHEVILLE

WHEREAS, the City has the desire to provide the highest level of emergency services to the citizens of Asheville and for the response area for Regional Response Team Six (6) in the most efficient means possible; and

WHEREAS, funds are available from the State of North Carolina through the Department of Public Safety for the provision of Regional Hazardous Materials Emergency Response Teams; and

WHEREAS, the State of North Carolina agrees to provide specialized equipment and materials for the use by the City of Asheville at no cost to the Asheville taxpayers: and

WHEREAS, the City of Asheville has the staff, expertise, and commitment to provide regional hazardous materials emergency response services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept the Contract Agreement between the City of Asheville and the North Carolina Department of Public Safety for Regional Hazardous Materials Response for Region 6, with the contract to be effective July 1, 2016, through June 30, 2020.

Read, approved and adopted this 22nd day of March, 2016.

Magdalen Bourbon
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourbon
City Clerk

412

RESOLUTION NO. 16-57

RESOLUTION AUTHORIZING THE FIRE DEPARTMENT TO APPLY FOR A GRANT FROM THE U.S. DEPT. OF HOMELAND SECURITY TO OBTAIN FUNDING FOR NINE ADDITIONAL FIREFIGHTER POSITIONS

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government; and

WHEREAS, the US Department of Homeland Security is taking applications for the Fiscal Year 2015 SAFER grant program for the purpose of hiring additional firefighters; and

WHEREAS, the Asheville Fire Department wishes to apply for a grant in the amount of $868,032 to obtain funding for nine additional firefighter positions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The fire department is hereby authorized to apply for the Fiscal Year 2015 SAFER grant with the U.S. Dept. of Homeland Security, for a grant in the amount of $868,032 to obtain funding for nine additional firefighter positions.

Read, approved and adopted this 22nd day of March, 2016.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 16-58

RESOLUTION AUTHORIZING THE FIRE DEPARTMENT TO APPLY FOR A GRANT FROM THE U.S. DEPT. OF HOMELAND SECURITY TO OBTAIN FUNDING FOR EQUIPMENT AND SUPPLIES NECESSARY FOR A COMPREHENSIVE HOME FIRE SAFETY PROGRAM, FIRE EXTINGUISHER TRAINING PROPS, AND AN INFLATABLE FIRE SAFETY HOUSE, AND TO ACCEPT GRANT FUNDING IF AWARDED

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the US Department of Homeland Security is taking applications for the Fiscal Year 2015 AFG grant program for the purpose of providing equipment and tools for firefighters, and

WHEREAS, the Asheville Fire Department wishes to apply for a grant in the amount of $110,000 to obtain funding for equipment and supplies necessary for a comprehensive home fire safety program, fire extinguisher training props, and an inflatable fire safety house;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Fire Department is hereby authorized to apply for the Fiscal Year 2015 AFG grant with the U.S. Dept. of Homeland Security, for a grant in the amount of $110,000 to obtain funding for equipment and supplies necessary for a comprehensive home fire safety program, fire extinguisher training props, and an inflatable fire safety house, and to accept grant funding if awarded.

Read, approved and adopted this 22nd day of March, 2016

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

414

RESOLUTION NO. 16-59

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A 99 YEAR GROUND LEASE WITH DUKE ENERGY PROGRESS, INC. FOR 98 DESOTA STREET

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, in 2014 Duke Energy Progress offered to donate 48 acres located at 98 Desota Street, identified as PIN 963892348400000 in fee simple to the City for the French Broad River Greenway and the City Council passed a resolution to accept the donation (Resolution No. 14-33 on February 28, 2014); and

WHEREAS, the donation transaction was never completed and now Duke Energy Progress, Inc. and the City agree that a long term ground lease is a better alternative to a fee simple donation for both parties; and

WHEREAS, the proposed lease of the property located at 98 Desota Street, would be for a term on 99 years at a rental rate of $1 per year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute documents and to enter into a ground lease agreement with Duke Energy Progress for property location at 98 Desota Street, PIN 963892348400000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 22th day of March, 2016.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 16-60

RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOITATIONS AND EXECUTE PUBLIC PRIVATE STORMWATER AGREEMENT WITH THE DEVELOPER/PROPERTY OWNERS OF 248 PATTON AVENUE (DELRAY AT PATTON AVENUE, LLC), TO CONSTRUCT A NEW STORM DRAINAGE SYSTEM WITHIN THE PUBLIC RIGHT OF WAY BEGINNING ON HAYWOOD ROAD CONTINUING ON PATTON AVENUE TO THE INTERSECTION WITH PEARL STREET AND TRAVELING DOWN PEARL STREET TO HILLARD AVENUE WHERE IT CONNECTS TO AN EXISTING SYSTEM

WHEREAS, the City has the ability to enter into a public private partnership agreement to make improvement to city infrastructure; and

WHEREAS, the failure of the existing system has the potential to causing further damage to the properties it is located on and near; and

WHEREAS, the City through this partnership will gain needed stormwater infrastructure along Pearl Street; and

WHEREAS, an engineer's estimate has been completed and determined that the cost to construct the stormwater system would cost approximately $1,660,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a public/private stormwater agreement, and any other documents necessary to complete this transaction, with the developer/owner of 248 Patton Avenue (Delray at Patton Avenue, LLC), to construct a new storm drainage system within the public right of way beginning on Haywood Road continuing on Patton Avenue to the intersection with Pearl Street and traveling down Pearl Street to Hilliard Avenue where it will end at the connection with an existing storm drainage system on Hilliard Avenue. The city will partner with this project with a 50%/50% cost share up to a maximum of $600,000.

Read, approved and adopted this the 22nd day of March 2016.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

416

RESOLUTION NO. 16-61

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SANITARY SEWER EASEMENT ON WEST CHAPEL ROAD TO CIP CONSTRUCTION AND DEVELOPMENT INC. FOR THE BUSBEE MOUNTAIN VIEW SUBDIVISION FOR SUBSEQUENT ASSIGNMENT TO THE METROPOLITAN SEWERAGE DISTRICT

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located on West Chapel Road, identified as PIN# 9657521103; and

WHEREAS, CIP Construction and Development Inc. has requested a Permanent Easement containing approximately 108.69 square feet over a portion of said property at West Chapel Road; and

WHEREAS, CIP Construction and Development Inc. intends to convey this easement to the Metropolitan Sewerage District for management and maintenance after execution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located on West Chapel Road (PINS #9657518831) to the CIP Construction and Development Inc. for subsequent conveyance to MSD of Buncombe County, North Carolina for continued management and maintenance.

Read, approved and adopted this 22nd day of March, 2016.

Magdalen Burleson
City Clerk

Edwin C. Metz
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 16-62

RESOLUTION AMENDING RESOLUTION 16-16 AUTHCRIZING THE PRIVATE SALE OF CITY-OWNED REAL PROPERTY LOCATED ON STATE STREET TO MAKE A TECHNICAL CORRECTION REGARDING THE NUMBER OF DEED RESTRICTED HOMES

WHEREAS, in Resolution 16-16, adopted by the Asheville City Council on January 12, 2016, City Council authorized the sale of .18 acres of real property located on State Street, more particularly identified on the Buncombe County tax map as PIN No. 963851983000000 (DB 454 at Page 318) to Mountain Housing Opportunities; and

WHEREAS, the Resolution incorrectly stated that the parcel is to be specifically restricted at conveyance to be used to support the development of at least 6 single-family homes which will be affordable to and sold to families with income below 80% of area median income, adjusted for family size but Staff Report had correctly noted that a condition of the sale was that at least **3** single-family homes would be affordable;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Resolution 16-16 be corrected to state that that the parcel is to be specifically restricted at conveyance to be used to support the development of at least 3 single-family homes which will be affordable to and sold to families with income below 80% of area median income, adjusted for family size; and

2. All other provisions of Resolution 16-16 shall remain unchanged.

Read, approved and adopted the 22th day of March, 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

418

RESOLUTION NO. 16-63

RESOLUTION AUTHORIZING THE CITY MANAGER SUBMIT A GRANT APPLICATION TO THE PARKS AND RECREATION TRUST FUND, AND TO AUTHORIZE THE CITY MANAGER TO SIGN A LETTER OF COMMITMENT TO PROVIDE MATCHING FUNDS IF THE CITY IS AWARDED THE GRANT

WHEREAS, PARTF issued a Notice of Funding Availability (NOFA) for funds in 2016; and

WHEREAS, the City of Asheville has identified a parks and recreation project that meets the goals and requirements contained in the PARTF application; and

WHEREAS, City Council has identified implementation of this project as a key strategic goal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to submit a grant application to PARTF in response to the 2016 grant cycle, and is further authorized to sign a letter indicating the City of Asheville's commitment to provide matching funds if the City is awarded the grant. The city is further authorized to accept the grant funds if they are awarded as part of this resolution.

Read, approved and adopted this the 22nd day of March, 2016.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

CITY RESOLUTION NO. 16-64

COUNTY RESOLUTION NO. 16-04-03

RESOLUTION ESTABLISHING A JOINT CITY, COUNTY AND UTILITY ENERGY INNOVATION TASK FORCE FOR THE PURPOSE OF RESEARCHING, PRIORITIZING, RECOMMENDING AND IMPLEMENTING RECOMMENDATIONS TO CREATE ENERGY EFFICIENCY, DEMAND SIDE MANAGEMENT AND RENEWABLE ENERGY OPPORTUNITIES TO REDUCE ENERGY USE IN BUNCOMBE COUNTY

WHEREAS, Buncombe County adopted a resolution regarding Buncombe County Energy Independence on December 3, 2013; and

WHEREAS, the City of Asheville adopted a resolution Supporting a Clean Energy Economy on October 22, 2013; and

WHEREAS, the region's beauty, clean air, and clean water are vital to the residents of Buncombe County and the region's economy; and

WHEREAS, the City of Asheville, Buncombe County, and Duke Energy Progress are committed to working to delay or avoid the construction of an additional fossil fuel-powered combustion turbine electricity generating facility at the Asheville Plant site in 2023; and

WHEREAS, the City of Asheville, Buncombe County, and Duke Energy Progress desire a transition to a cleaner, affordable, and smarter energy future in Western North Carolina, rooted in community engagement and collaboration, that is mutually beneficial to the community, customers and Duke Energy Progress; and

WHEREAS, Duke Energy Progress has agreed to co-convene with the City of Asheville and Buncombe County a joint Energy Innovation Task Force to transition to a cleaner, affordable, and smarter energy future through active community engagement, deliberate investment in distributed energy resources and greater promotion of and access to energy efficiency and demand-side management programs, subject to appropriate North Carolina Utilities Commission approval; and

WHEREAS, supporting a clean energy future will foster protection of natural resources, help mitigate climate change, and facilitate the growth of the clean energy industry in our region; and

WHEREAS, the task force will engage with our community to provide cost-effective services, programs and new products they value and expect through investment in clean and innovative ways to power Western North Carolina, while keeping rates competitive; and

WHEREAS, Buncombe County residents and businesses have the ability to seize this opportunity to use renewable energy and participate in energy efficiency and demand-side management programs to increase the region's climate resiliency and to become a model to other communities in the state and country;

NOW, THEREFORE, BE IT RESOLVED BY THE BUNCOMBE COUNTY COMMISSION AND ASHEVILLE CITY COUNCIL THAT:

Buncombe County, the City of Asheville and Duke Energy Progress have established a joint task force known as the "Energy Innovation Task Force" that will appoint members from local government, environmental and clean energy advocates, large and small businesses, local

institutions and Duke Energy Progress to research, recommend and implement energy efficiency and demand-side management programs and projects and distributed energy technology in Buncombe County, subject to appropriate North Carolina Utilities Commission approval. This Task Force will seek input from and engagement with the public as an integral part of its work.

Read, approved and adopted this 22nd day of March 2016, by the Asheville City Council.

Read, approved and adopted this 5th day of April, 2016, by the Buncombe County Board of Commissioners.

Buncombe County Commission Chair

Mayor, City of Asheville

County Clerk

City Clerk

Approved as to form:

County Attorney

City Attorney

City Clerk

RESOLUTION NO. 16- 65

RESOLUTION TO PERMANENTLY CLOSE AN UNNAMED ALLEY LOCATED NEAR 119 AND 121 SAND HILL ROAD

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unnamed alley located near 119 and 121 Sand Hill Road; and

WHEREAS, City Council on the 23rd day of February, 2016, adopted a resolution of intent to permanently close the unnamed alley located near 119 and 121 Sand Hill Rd., and ordered a public hearing on the question of the closing for the 22nd day of March, 2016, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order of said public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit presented to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along the unnamed alley located near 119 and 121 Sand Hill Road; and

WHEREAS, at said public hearing no objections were made that the proposed street closure would deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unnamed alley located near 119 and 121 Sand Hill Road, described as follows:

Beginning at an Existing Iron Pin located in the Northern Right of Way of Sand Hill Road and the Western Right of Way of an unopened Road as shown on PB. 11 PG.

70 and known as Old Sand Hill Road and runs thence with the Western Right of Way Old Sand Hill Road and the property of Jennifer Ryan Fulton DB. 4358 Pg. 1903 and the line shown on PB. 83 Page 185, N 15-32-32 E 10.45' to a calculated point, thence N 08-27-07 E 70.01' to an Existing Iron Pin common comer of Jennifer Ryan Fulton and Debra S. Carter, thence with the line of Debra S. Carter N 08-27-07 E 26.74' to a calculated point, thence N 23-32-36 E 75.78' to a calculated point, thence N 34-58-02 E 18.39' to an Existing Iron Pin, thence with the line of Vivianne C. Wersel, DB. 5145 PG. 1336 and PB. 74 PG. 173, S 58-26-50 E 27.79' to an Existing Iron Pin located in the Eastern Right of Way of Old Sand Hill Road and the Northeast comer of Lot #1, PB. 11 PG. 70, thence with the land of Debra S. Carter and the Eastern Right of Way of Old Sand Hill Rd. S 34-58-02 W 27. 14' to an Existing Iron Pin, thence S 23-32-36 W 47.91' to an Iron Pin Set, the Northeast comer of DB. 1925 PG. 776, thence S23-32-36 W 12.00' to an Existing Iron Pin, the Northwest comer of Lot #1, PB. 11 PG. 70, thence continuing with the land of Debra S. Carter, S 11-36-14 W 67.10' to an Iron Pin Set at the Intersection of the Right of Way of Old Sand Hill Road and the Right of Way of Sand Hill Road, thence with the Right of Way of Sand Hill Road, S 40-57-21 W 43.52' to the Beginning.

Having an area of 0.101 acres (4418 sq. ft.). The foregoing description is based on an unrecorded survey by William E. Anders, Jr., PLS, dated August 19, 2015, entitled Survey For: Debra S. Carter, 119 and 121 Sand Hill Road, Asheville, NC; a copy of said survey can be found in the Office of the City Clerk.

Read, approved and adopted this 22nd day of March, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 16- 66

RESOLUTION TO PERMANENTLY CLOSE AN UNNAMED ALLEY LOCATED BETWEEN OTEEN PARK PLACE AND PINE CONE DRIVE

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unnamed alley located between Oteen Park Place and Pine Cone Dr; and

WHEREAS, City Council on the 23rd day of February, 2016, adopted a resolution of intent to permanently close the unnamed alley located between Oteen Park Place and Pine Cone Drive, and ordered a public hearing on the question of the closing for the 22nd day of March, 2016, at its regular meeting on the 2nd floor of the City Hall Building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order of said public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit presented to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along the unnamed alley located between Oteen Park Place and Pine Cone Drive.; and

WHEREAS, at said public hearing no objections were made that the proposed street closure would deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unnamed alley located between Oteen Park Place and Pine Cone Drive., described as follows:

Beginning at a 2 inch iron pipe filled with concrete in the western margin of the right of way for Oteen Park Place, said iron pipe marking the southeast comer of the Edson Degobbi and Lilian

H. Degobbi property described in Record Book 5352, at Page 1061 of the Buncombe County, NC Register's Office (the "Registry"), and runs thence with the southern boundary of the Degobbi property North 84° 54' 33" West 112.47 feet to a % inch capped rebar at the southwest comer of the Degobbi property and the eastern margin of the right of way of Pine Cove Drive, said rebar more particularly located by Grid Coordinates Y=686835.34, X=9626! 7.70, NAD 83, 2011; thence with the margin of Pine Cove Drive South 4° 49' 12" West 15.00 feet to a % inch rebar at the northwest corner of the Paul & Doris G. Ray Living Trust property described in Record Book 4800, at Page 745 of the Registry; thence with the northern boundary of the Ray Trust property South 84° 54' 33" East 112.55 feet to a % inch rebar at the northeast comer of the Ray Trust property and in the western margin of Oteen Park Place; thence with the margin of Oteen Park Place North 4° 29' 13" East 15.00 feet to the point of Beginning; containing 0.039 acre, more or less, as shown on that "Boundary Survey for Lilian Degobbi" dated October 26, 2015, bearing Job File No. 15053, as prepared by NC Survey, P.C.

Read, approved and adopted this 22nd day of March, 2016.

Magdalen Bullson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullson
City Clerk

RESOLUTION NO. 16-67

RESOLUTION AUTHORIZING ACTIONS FOR RELEASE OF HUD DEED RESTRICTION AND APPROVAL OF THE REQUEST FOR PROPOSALS PROCESS FOR THE DISPOSITION OF CITY-OWNED PROPERTY LOCATED AT 338 HILLIARD AVENUE

WHEREAS, The Asheville City Council has established a Strategic Goal to increase the supply of affordable housing in the City; and

WHEREAS, The Asheville City Council has established an action Item to identify and initiate use of city owned land for development of affordable housing projects to achieve that goal; and

WHEREAS, the property located at 338 Hilliard Avenue, currently housing the City's parks maintenance facility, has been determined to have a higher and better use as a site for the development of affordable housing; and

WHEREAS, funding to relocate that function to another suitable site has been established in the approved City budget; and

WHEREAS, the 338 Milliard Avenue property is currently restricted in use (open space) by a deed restriction associated with the original funding by the US Department of Housing and Urban Development (HUD) used to acquire the property; and

WHEREAS, HUD has indicated that the deed restriction may be removed upon a public hearing so long as the property will be used to meet the national objective of providing affordable housing; and

WHEREAS, The Asheville City Council seeks to remove the deed restriction and seek proposals from qualified developers to create affordable housing on a portion of the 338 Hilliard Avenue site;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to take actions necessary to have the HUD deed restriction removed from the property located at 338 Hilliard Avenue;

2. The City Manager is hereby authorized to include the considerations for evaluation of the proposals for the disposition and development for affordable housing of approximately .75 acres of land located at 338 Hilliard Avenue, upon the approval of the City Attorney.

Read, approved and adopted the 22nd day of March, 2016.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

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RESOLUTION NO. 16- 68

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT RACE TO THE TAPS CATAWBA ON THE DATE OF SATURDAY, APRIL 23, 2016 FROM 12:00 PM – 4:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Race to the Taps Catawba.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Race to the Taps Catawba event area, as set forth in Exhibit A, attached.

   The Race to the Taps Catawba event area is within the boundaries Banks Avenue between the intersections of Collier Avenue and Church Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Race to the Taps Catawba on Saturday, April 23, 2016 from 12:00 p.m. – 4:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Race to the Taps Catawba event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Race to the Taps Catawba event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Race to the Taps Catawba, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

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EXHIBIT A

RESOLUTION NO. 16- 69

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INTERLUDE CLOSING PARTY ON THE DATE OF FRIDAY, APRIL 29, 2016 FROM 6:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Interlude Closing Party.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Interlude Closing Party event area, as set forth in Exhibit A, attached.

   The Interlude Closing Party event area is within the boundaries Walnut Street between the intersections of Broadway and Carolina Lane.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Interlude Closing Party on Friday, April 29, 2016 from 6:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Interlude Closing Party event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Interlude Closing Party event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

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4. The location of the Interlude Closing Party, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bouleson
CITY CLERK

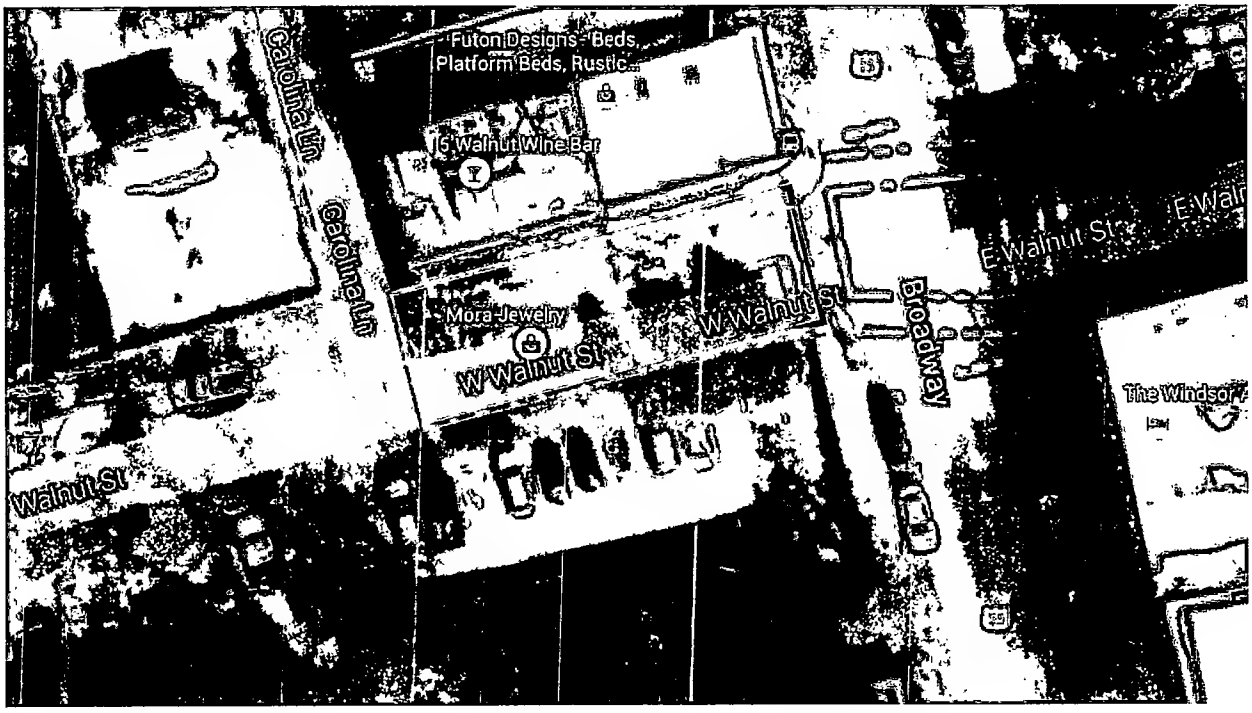
EdAnn E. Mahlum
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

EXHIBIT A


Futon Designs - Beds, Platform Beds, Rustic...
S Walnut Wine Bar
Carolina Ln
Carolina Ln
Mora Jewelry
W Walnut St
W Walnut St
E Walnut St
Broadway
The Windsor
Walnut St

RESOLUTION NO. 16- 70

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE EARTH FARE 5K ON THE DATE OF SATURDAY, MAY 14, 2016 FROM 7:00 AM – 11:30 AM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Earth Fare 5K.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Earth Fare 5K event area, as set forth in Exhibit A, attached.

   The Earth Fare 5K event area is within the boundaries of the velodrome at Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Earth Fare 5K on Saturday, May 14, 2016 from 7:00 a.m. – 11:30 a.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Earth Fare 5K event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Earth Fare 5K event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Earth Fare 5K, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages

and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bulleson
CITY CLERK

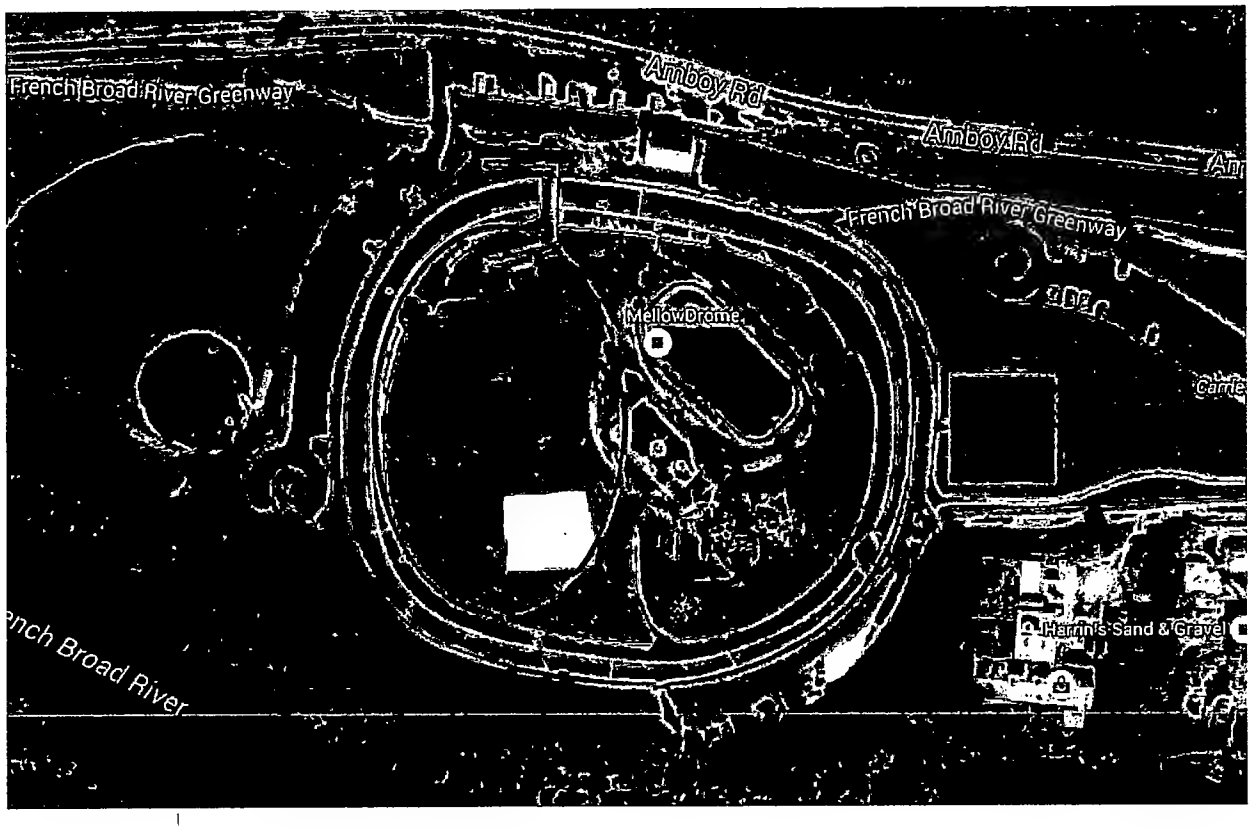
Efrain E. Ramirez
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

EXHIBIT A


French Broad River Greenway
Amboy Rd
Amboy Rd
French Broad River Greenway
MellowDrome
Harrin's Sand & Gravel
nch Broad River

RESOLUTION NO. 16- 71

RESOLUTION MAKING PROVISIONS FOR THE PCSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL ON THE DATE OF SATURDAY, MAY 28, 2016 FROM 1:00 AM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Festival event area, as set forth in Exhibit A, attached.

   The Beer City Festival event area is within the boundaries of the Roger McGuire Green at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Festival on Saturday, May 28, 2016 from 1:00 p.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Beer City Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Beer City Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4.36

4. The location of the Beer City Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bunleson
CITY CLERK

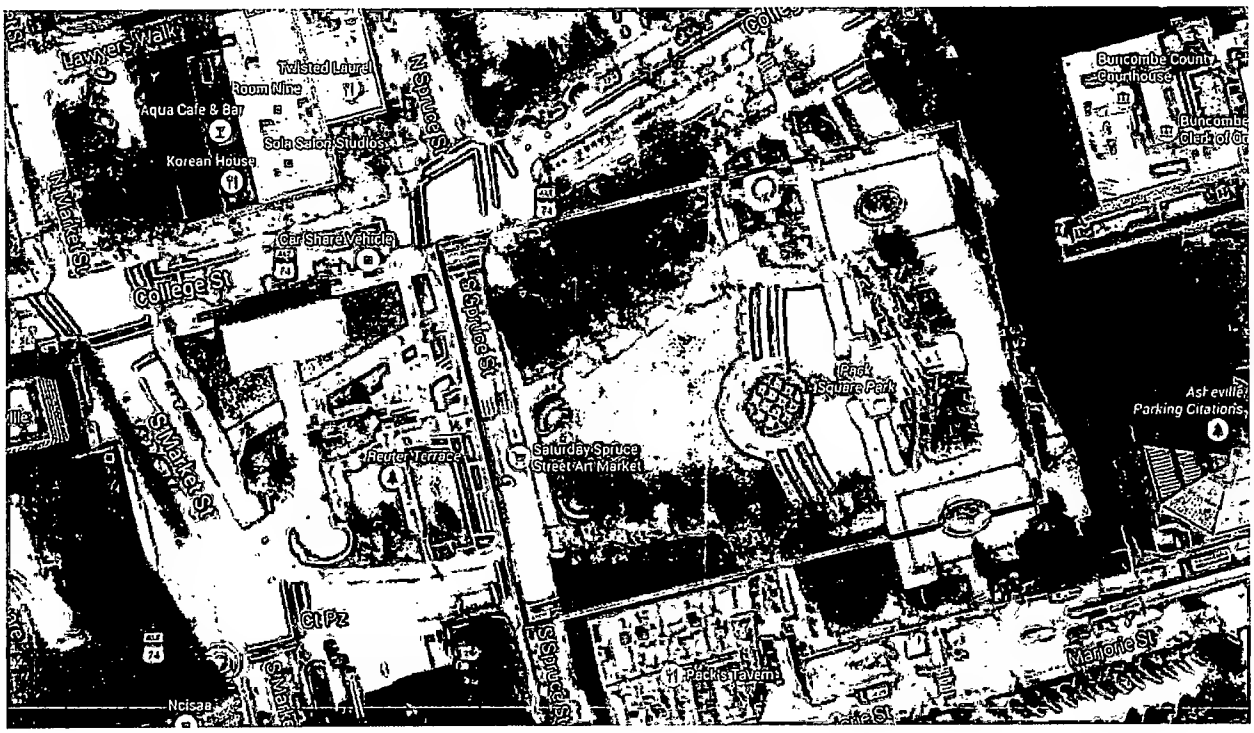
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bunleson
City Clerk

EXHIBIT A


Lawyer's Walk
Twisted Laurel
Room Nine
Aqua Cafe & Bar
Sola Salon Studios
Korean House
N Spruce St
N Market St
Car Share Vehicle
College St
S Spruce St
S Market St
Reuter Terrace
Saturday Spruce Street Art Market
Pack Square Park
Buncombe County Courthouse
Asheville Parking Citations
Ct Pz
Patton Ave
Ncisaa
Pack's Tavern
Marjorie St

RESOLUTION NO. 16- 72

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGANFEST ON THE DATE OF SUNDAY, JUNE 12, 2016 FROM 12:00 PM – 5:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Asheville VeganFest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville VeganFest event area, as set forth in Exhibit A, attached.

   The Asheville VeganFest event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville VeganFest on Sunday, June 12, 2016 from 12:00 p.m. – 5:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville VeganFest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville VeganFest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville VeganFest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

EXHIBIT A

Off The Wagon Dueling Piano Bar Asheville
Parking Lot
Lawyer's Walk
Twisted Laurel
Room Nine
Korean House
Over Easy Cafe
Strada Italiano
Ananda Hair Studio
Suwanee's Orchid Thai
College St
N Market St
S Market St
N Spruce St
S Spruce St
Broadway
Pack Square Park
Buncombe County Clerk of Court
N. Vance Memorial
Ct Pz
Pack's Tavern
Majore St
Patton Ave
Chocolate Lounge
Asheville Police Department
Rhubarb
Asheville Art Museum
Biltmore Ave
Jimmy John's
Davidson Dr

RESOLUTION NO. 16- 73

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CLIPS BEER & FILM TOUR ON THE DATE OF FRIDAY, AUGUST 26, 2016 FROM 6:30 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Clips Beer & Film Tour.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Clips Beer & Film Tour event area, as set forth in Exhibit A, attached.

   The Clips Beer & Film Tour event area is within the boundaries of the Roger McGuire Green and Reuter Terrace at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Clips Beer & Film Tour on Friday, August 26, 2016 from 6:30 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Clips Beer & Film Tour event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Clips Beer & Film Tour event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Clips Beer & Film Tour, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bonneson
CITY CLERK

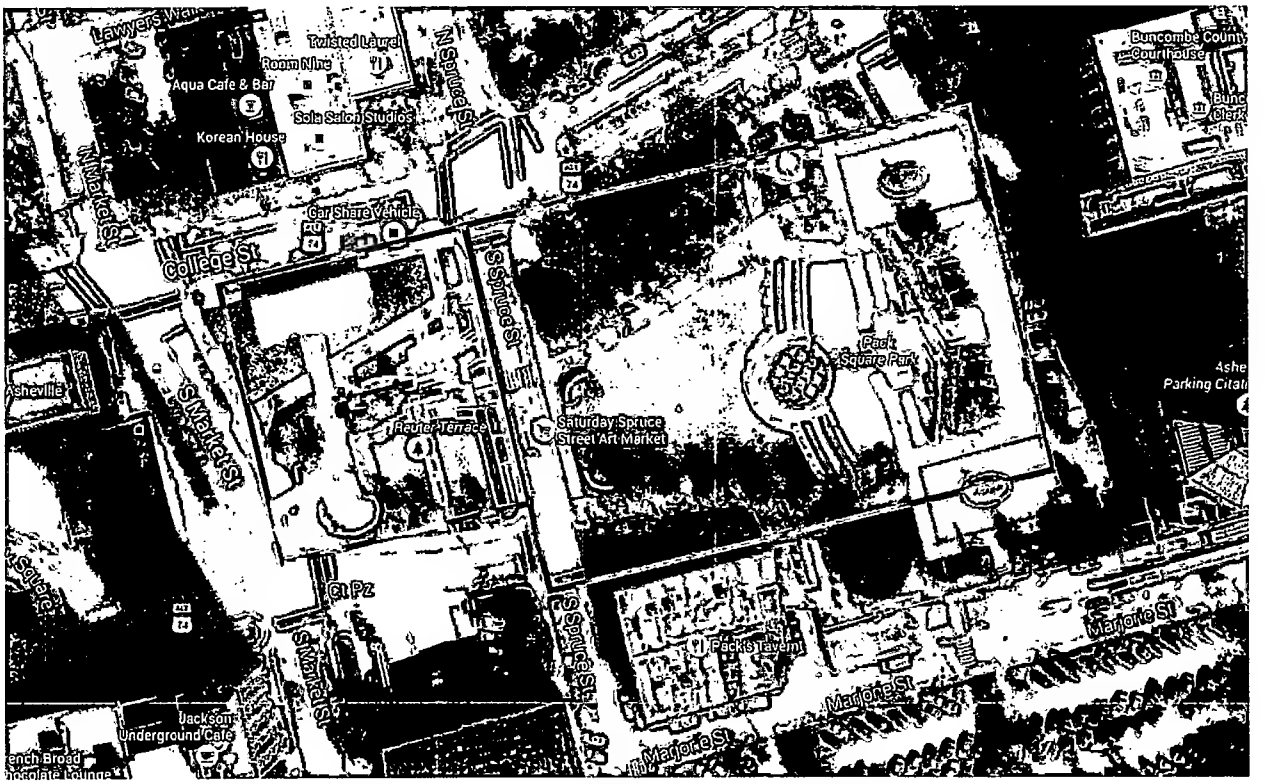
Esther E. Martin
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bonneson
City Clerk

EXHIBIT A


Twisted Laurel
Room Nine
Aqua Cafe & Bar
Sola Salon Studios
Korean House
N Spruce St
Buncombe County Courthouse
Car Share Vehicle
College St
S Spruce St
Pack Square Park
Asheville
S Market St
Reuter Terrace
Saturday Spruce Street Art Market
Ct Pz
Pack's Tavern
Marjorie St
Jackson Underground Cafe

444

RESOLUTION NO. 16- 74

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON THE DATE OF SUNDAY, SEPTEMBER 4, 2016 FROM 12:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Cup.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Cup event area, as set forth in Exhibit A, attached.

   The Beer City Cup event area is within the boundaries of Memorial Stadium located at 32 Buchanan Place.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Cup on Sunday, September 4, 2016 from 12:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Beer City Cup event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Beer City Cup event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Beer City Cup, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages

and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bouleson
CITY CLERK

Esther E. Manheim
MAYOR

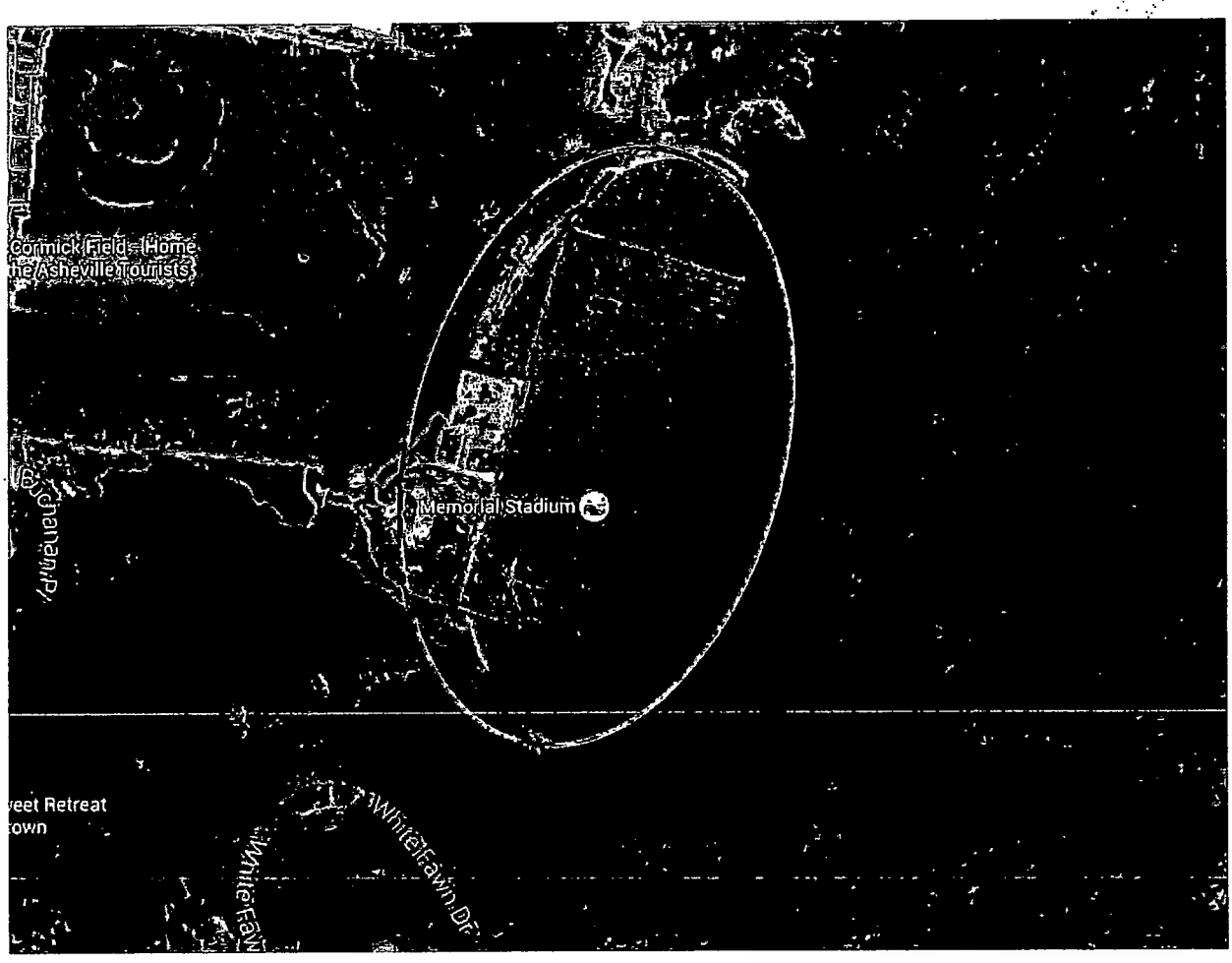
Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

446:

EXHIBIT A



RESOLUTION NO. 16- 75

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE FESTIVAL ON THE DATE OF SATURDAY, OCTOBER 1, 2016 FROM 11:30 AM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Blue Ridge Pride Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Blue Ridge Pride Festival event area, as set forth in Exhibit A, attached.

   The Blue Ridge Pride Festival event area is within the boundaries of the Roger McGuire Green and Reuter Terrace at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street, and Spruce Street between the intersections of College Street and Walnut Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Blue Ridge Pride Festival on Saturday, October 1, 2016 from 11:30 a.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Blue Ridge Pride Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Blue Ridge Pride Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Blue Ridge Pride Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

EXHIBIT A

Mellow Mushroom
SOVEREIGN REMEDIES
E Walnut St
Brasilia Churrasco Steakhouse
Off The Wagon Dueling Piano Bar Asheville
Bank of America Financial Center
College St
Parking Lot
Over Easy Cafe
Lawyer's Walk
Twisted Laurel
Ananda Hair Studio
Room Nine
Korean House
Buncombe County Clerk of Court
Suwana's Orchid Thai
College St
Pack Square Park
Broadway
Vance Memorial
Pack's Tavern
Marjorie St
Patton Ave
French Broad Chocolate Lounge
Asheville Police Department
Rhubarb

450

RESOLUTION NO. 16- 76

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE HOWL-O-WEEN WALKATHON ON THE DATE OF SATURDAY, OCTOBER 29, 2016 FROM 11:00 AM – 3:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Howl-o-Ween Walkathon.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Howl-o-Ween Walkathon event area, as set forth in Exhibit A, attached.

   The Howl-o-Ween Walkathon event area is within the boundaries of Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Howl-o-Ween Walkathon on Saturday, October 29, 2016 from 11:00 a.m. – 3:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Howl-o-Ween Walkathon event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Howl-o-Ween Walkathon event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Howl-o-Ween Walkathon, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bullson
CITY CLERK

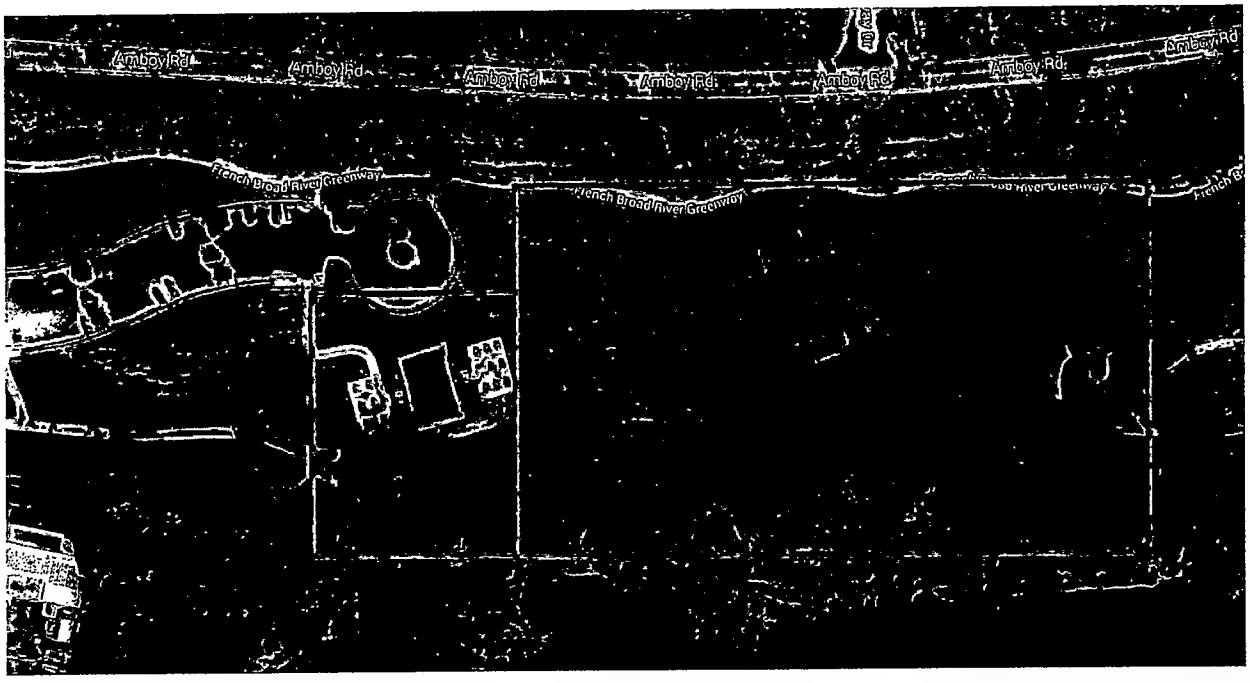
Esther E. Manka
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullson
City Clerk

EXHIBIT A


Amboy Rd
Amboy Rd
Amboy Rd
Amboy Rd
Amboy Rd
Amboy Rd
French Broad River Greenway
French Broad River Greenway

RESOLUTION NO. 16- 77

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ZERO-PROSTATE CANCER RUN/WALK ON THE DATE OF SATURDAY, NOVEMBER 5, 2016 FROM 8:00 AM – 1:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Zero-Prostate Cancer Run/Walk.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Zero-Prostate Cancer Run/Walk event area, as set forth in Exhibit A, attached.

   The Zero-Prostate Cancer Run/Walk event area is within the boundaries of the velodrome at Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Zero-Prostate Cancer Run/Walk on Saturday, November 5, 2016 from 8:00 a.m. – 1:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Zero-Prostate Cancer Run/Walk event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Zero-Prostate Cancer Run/Walk event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Zero-Prostate Cancer Run/Walk, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bullock
CITY CLERK

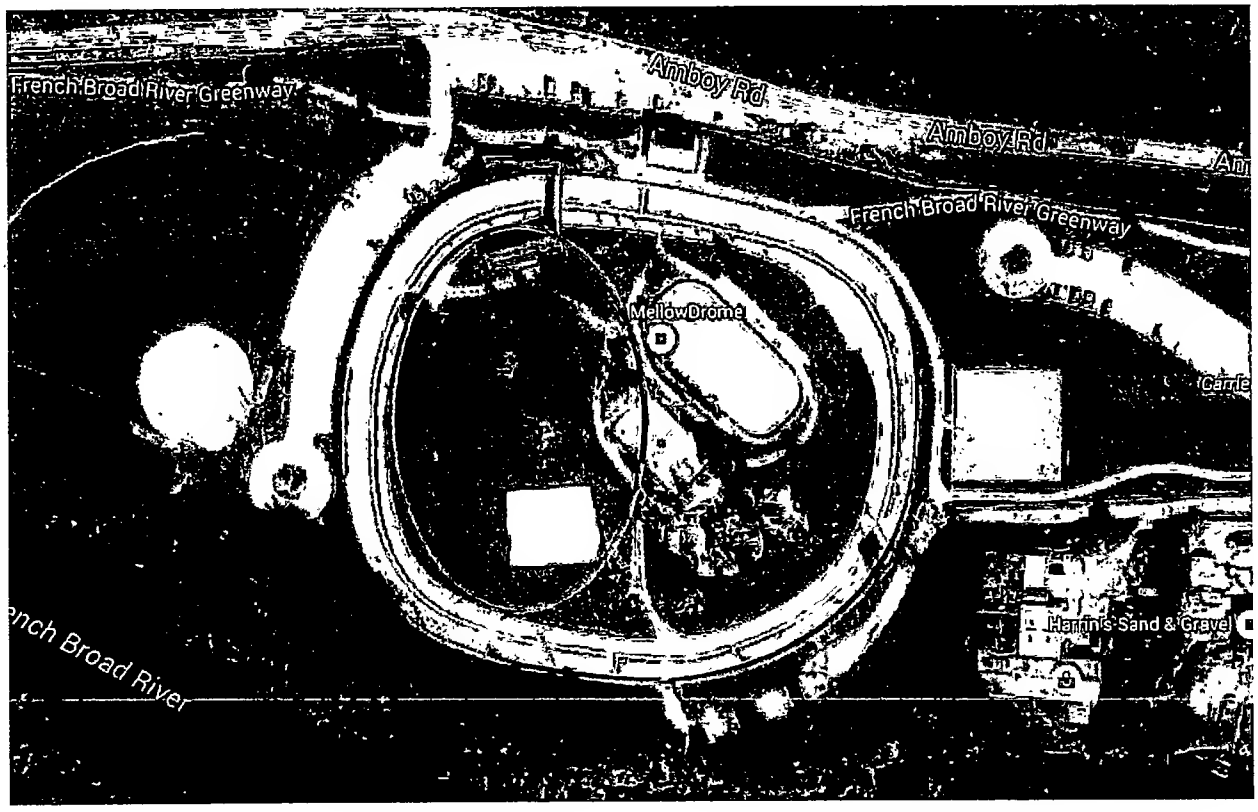
Esther E. Clark
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

EXHIBIT A


French Broad River Greenway
Amboy Rd
Amboy Rd
French Broad River Greenway
Mellow Drome
Harrin's Sand & Gravel
nch Broad River

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RESOLUTION NO. 16-78

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE, INC. FOR THE PROJECT KNOWN AS CONCRETE REPAIR – UTILITY CUTS, CITY OF ASHEVILLE PROJECT# SP-14-15-001

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, City Council on October 14, 2014 City Council authorized the City Manager to enter into a contract with Appalachian Paving and Concrete to repair public concrete infrastructure damaged by the installation of utilities; and

WHEREAS, the City Council has approved funding via the Utility Cut Enterprise Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the existing contract on behalf of the City of Asheville with Appalachian Paving and Concrete, Inc. for the project known as Concrete Repair – Utility Cuts in an additional amount not to exceed $50,000 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 12th day of April, 2016.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-79

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NELSON \ NYGAARD CONSULTING ASSOCIATES, INC. TO PREPARE A COMPREHENSIVE PARKING STUDY

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A-20.1 of the North Carolina General Statutes to enter into contracts for services with private entities; and

WHEREAS, the City receives numerous requests to address parking needs; and

WHEREAS, the City recognizes the need for a comprehensive parking study to assist with developing a long-term parking program, including a 10-year capital improvements program in order to make the most efficient use of the overall limited funds; and

WHEREAS, the amount of the Contract is $120,000 ($109,433 plus contingencies) and is budgeted in the Parking Enterprises Fund operating budget for FY 2015-16;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Nelson \ Nygaard Consulting Associates, Inc. in the amount of $120,000 ($109,433 plus contingencies) to prepare a comprehensive parking study and further authorized to execute any change orders to said contract or documents which may arise during the pendency of said project up to the budgeted amount.

Read, approved and adopted this the 12th day of April, 2016.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

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RESOLUTION NO. 16-80

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE, INC. FOR THE PROJECT KNOWN AS CONCRETE REPAIR – UTILITY CUTS, CITY OF ASHEVILLE PROJECT # SP-15-16-001

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Concrete Repair – Utility Cuts, City of Asheville Project # SP-15-16-001; and

WHEREAS, Appalachian Paving and Concrete, Inc. of Asheville, NC was the lowest responsible bidder for the project, in the amount of $253,654.83; and

WHEREAS, the project involves the Repair of Concrete Infrastructure that has Been Damaged During the Installation of Utilities; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $253,654.83 plus a contingency $46,345 (18%) with Appalachian Paving and Concrete Inc. for the project known as Concrete Repair – Utility Cuts, City of Asheville Project # SP-15-16-001.

Read, approved and adopted this the 12th day of April, 2016.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-81

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NOVUS ARCHITECTS TO DEVELOP FACILITY ASSESSMENT & ARCHITECTURAL SERVICES FOR MCCORMICK FIELD

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City is maximizing its investment in McCormick Stadium to achieve its highest and best use as a professional sports stadium: and

WHEREAS, the McCormick Field assessment will develop a comprehensive understanding of the current conditions of the facility, existing maintenance concerns, and future capital improvement opportunities; and

WHEREAS, the McCormick Field assessment and concept studies demonstrates the City's commitment to maintain and improve the City's infrastructure as identified in the 2036 Council Vision; and

WHEREAS, the McCormick Field assessment and concept studies will provide improved performance through ongoing care and maintenance of facilities as identified in the Parks, Recreation Cultural Arts, and Greenway Master Plan; and

WHEREAS, Novus Architects, was selected as the most qualified as part of a Request for Qualifications process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Novus Architects to develop facility assessment and architectural services for McCormick Field for an amount not to exceed $180,000, and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this the 12th day of April, 2016.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 16-82

RESOLUTION AMENDING THE 2016 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council will hold a formal meeting on May 17, 2016, beginning at 5:00 p.m. in the Council Chamber, located on the 2nd Floor of City Hall.

2. The public hearing for the Fiscal Year 2016-17 Annual Operating Budget is rescheduled from May 24, 2016, to May 17, 2016.

3. The formal meeting of the Asheville City Council scheduled for Tuesday, May 24, 2016, is hereby cancelled.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

Resolution No. 16-83

RESOLUTION AFFIRMING THE DIGNITY OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PEOPLE AND CALLING FOR THE REPEAL OF SESSION LAW 2016-3/HOUSE BILL 2

WHEREAS, on February 22, 2016, the Charlotte City Council demonstrated admirable leadership by approving a local ordinance that adds marital status, familial status, sexual orientation, gender identity, and gender expression to its list of categories protected from discrimination in city contracting and public accommodations; and

WHEREAS, on March 23, 2016, in response to the Charlotte ordinance, the North Carolina General Assembly in special session ratified, and Governor Pat McCrory signed, House Bill 2 (Session Law 2016-3), the Public Facilities Privacy & Security Act; and

WHEREAS, House Bill 2 appears to repeal the Charlotte ordinance by establishing new statewide standards for what constitutes discriminatory practice in employment and public accommodations; and by establishing new statewide requirements for bathrooms and changing facilities in all public agencies, including schools; and

WHEREAS, the omission of sexual orientation, gender identity, gender expression, and other categories from the statewide list of categories protected from discrimination means that not only do protections on these bases appear to be unavailable under state law, but further, that local governments appear to be preempted from offering these protections to their residents; and

WHEREAS, the legislation also appears to eliminate the right of any person to bring a civil action in a North Carolina court for a claim of discrimination in employment or public accommodations on account of race, religion, color, national origin, age, or biological sex (as well as handicap for employment only); and

WHEREAS, by enacting House Bill 2, our state's political leaders have once again taken extreme measures to attempt to diminish the legislative authority of local governments, and have once again used the laws of the State of North Carolina to codify discrimination and division rather than to advance the rights and dignity of North Carolinians; and

WHEREAS, the legislation, its brief twelve-hour legislative history, and lawmakers' public statements clearly demonstrate a discriminatory intent; a lack of knowledge and understanding of the experiences of transgender people; and a lack of respect for the dignity of lesbian, gay, bisexual, and transgender (LGBT) people on the part of the General Assembly and Governor McCrory; and

WHEREAS, the legislation is inconsistent with the Equal Protection Clause of the United States Constitution, which provides that no state shall deny to any person within its jurisdiction "the equal protection of the laws" (US Const amend XIV, § 1); and the legislation is mean-spirited and "born of animosity toward the class of persons affected" (*Romer v Evans*, 517 US 620 [1996]); and

WHEREAS, the General Assembly expended an estimated $42,000 to hold an urgent special session to enact House Bill 2, meanwhile neglecting to act with urgency to address real challenges facing the people of North Carolina: the state's 18% poverty rate (including 25% of children and 27% of African Americans); expansion of the Medicaid program and access to high-quality health care for all; funding for public education, including historically black colleges and universities; protection of the natural environment; mitigation of and adaptation to the effects of global climate change; and job opportunities and fair and living wages for all workers; and

WHEREAS, Asheville is a community dedicated to the principles of equality, nondiscrimination, and full inclusion and engagement by any resident in the civil rights, benefits, and privileges of all residents; and

WHEREAS, Asheville has a proud history of advancing the rights of LGBT North Carolinians, including creating a domestic partner registry and extending eligibility for employment benefits to same-sex partners of City employees; and among the first to support civil marriage for same-sex couples.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. The Asheville City Council reaffirms its support for protecting and advancing the constitutional rights and equitable treatment of all residents and its opposition to discrimination, prejudice, homophobia, and transphobia.

SECTION 2. The Asheville City Council applauds the people of Charlotte and the members of the Charlotte City Council for their historic achievement, and particularly for their courageous leadership in standing for dignity and equality in North Carolina's largest city.

SECTION 3. The Asheville City Council extends gratitude to the Buncombe County Board of Commissioners, which approved a resolution regarding House Bill 2 on April 5, 2016.

SECTION 4. The Asheville City Council urges the North Carolina General Assembly to repeal House Bill 2 at the earliest opportunity. Meanwhile, Council will look to the court system for remedy, seeking opportunities to partner with other local jurisdictions and advocacy organizations in taking appropriate legal action against this unconstitutional legislation; to adopt appropriate local ordinances to advance the cause of equal protection; and to encourage other local governments to exercise their legislative authority to promote equal protection and nondiscrimination.

SECTION 5. The Asheville City Council encourages all businesses providing public accommodations in Asheville and throughout North Carolina to demonstrate their support for the dignity of all people by openly welcoming LGBT people to their places of business, and by providing gender-nonspecific bathroom facilities for their customers and employees wherever practicable.

SECTION 6. The Asheville City Council encourages all municipalities, counties, and boards of education in North Carolina to adopt similar resolutions at a special meeting or at their next regular meeting calling for the repeal of House Bill 2.

SECTION 7. The Asheville City Council asks the city clerk to send copies of this resolution to the members of the Buncombe County delegation to the General Assembly, the chair of the Buncombe County Board of Commissioners, and the mayor of the City of Charlotte.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 16- 84

RESOLUTION WAIVING PERMIT FEES ASSOCIATED WITH THE CONSTRUCTION/ RENOVATION OF THE ASHEVILLE ART MUSEUM AT 2 SOUTH PACK SQUARE (CITY OWNED FACILITY

WHEREAS, the City of Asheville has identified the significant value of the cultural and economic benefits of the Asheville Art Museum to the community; and

WHEREAS, the Asheville Art Museum has developed plans and conducted a capital campaign to support construction and renovation of a City owned facility located at 2 South Pack Square; and

WHEREAS, the reinvestment of the value of permit fees into renovation/ construction at a City owned facility enhances public infrastructure, economic vitality, educational and cultural opportunities for all those who reside and visit our community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

In support of the longstanding partnership between the City of Asheville and Asheville Art Museum, the City Manager is hereby authorized to waive a maximum value of $90,000 in permit fees for the construction/ renovation of the Asheville Art Museum located within a City-owned facility at 2 South Pack Square. The permit fee waiver is associated with permits submitted by Asheville Art Museum through April 1, 2018.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

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RESOLUTION NO. 16-85

RESOLUTION ADOPTING THE 2016 LEGISLATIVE AGENDA FOR THE CITY OF ASHEVILLE

WHEREAS, the 2016 North Carolina general Assembly "short session" will convene on April 25, 2016; and

WHEREAS, the City Council of the City of Asheville has identified certain matters of local and State-wide interest where legislative action is needed or desired;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The "City of Asheville Legislative Agenda for the 2016 Session of the North Carolina General Assembly," attached hereto as Exhibit A, is hereby adopted.

The City Attorney is hereby directed to transmit a certified copy of this Resolution to the members of the General Assembly whose districts include the City of Asheville.

The City Council offers the City's assistance to members of the General Assembly and the legislative staff with respect to any items listed on Exhibit A, including the provision of additional information, and further resolutions in support of specific bills.

BE IT FUTHER RESOLVED that the Asheville City Council expresses its thanks and appreciation to the members of the local delegation for their service on behalf of the City of Asheville.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bowlesson
City Clerk

Edwin C. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

Exhibit A
CITY OF ASHEVILLE 2016 LEGISLATIVE AGENDA

Municipal Authority

Like all municipalities in North Carolina, Asheville has unique economic, environmental, and cultural interests. Maintaining municipal authority to promote, regulate, and celebrate these interests is essential to enable local officials to best address local needs.

- Support legislation which preserves and/or enhances municipal authority, specifically:
  - Support legislation which enables municipalities' authority to opt in to regulating digital dispatching ("car sharing") services.
  - Continue municipal authority to establish and maintain Municipal Service Districts (MSD).

Municipal Revenue

The fiscal health and responsibility of municipalities require stable revenue sources that are proportionate to the need for local services. Responsible fiscal management requires the protection of revenue sources both under, and outside of, municipal control.

- Support legislation that enhances municipal fiscal sustainability, including:
  - Support legislation which restores lost revenue due to the repeal of Privilege License Tax authority.
  - Seek legislation to give municipalities the option to use electronic legal public notices in lieu of newspaper publication.
  - Oppose sales tax distribution reform that would decrease sales tax revenue to Asheville.

Mandates

Unfunded and burdensome legislative and regulatory mandates undermine the efficiency, effectiveness and success of municipal programs and services.

- Support legislation which enhances revenue for public education and transportation infrastructure without negatively impacting existing municipal revenues.

City Services

The City of Asheville, which provides high quality services to meet the dynamic needs of its residents, requires adequate authority and flexibility to finance, operate, and manage these services.

- Oppose legislation that limits or removes local control over public utility systems.
- Oppose legislation that limits municipal control of enterprise funds.
- Oppose legislation that removes or limits the authority of municipal building code enforcement officers. Proposals to remove building code enforcement officers' authority to order corrections during construction compromises public safety by limiting when corrections may occur solely to the design and review phase.

Transportation

A core responsibility of North Carolina's cities and towns is to provide for the safety and well-being of all transportation users while maximizing the gains to commercial and economic

activity, arts, culture and entertainment, and quality of life for our residents, visitors and businesses.

- Maintain Powell Bill funding for municipal transportation infrastructure.
- Increase state funding for and preserve municipal authority to regulate, fund, and build multi-modal projects, including bike lanes, sidewalks, and traditional transit apparatuses. Preserve bicycle safety regulatory authority at the local level.
- Continue regional collaboration through active Municipal Planning Organizations (MPO) empowered to address region-specific transportation issues.
- Continue intergovernmental partnerships to plan, design, and build the I-26 connector.
- Maintain the independence of state transportation funding priorities through the data-driven Strategic Mobility Formula established by the Strategic Transportation Investments law (STI).

Economic Vitality

An economically vital community enables Asheville to provide for opportunity, mobility, and a high quality of life for its residents.

- Restore funding of the state's Housing Trust Fund.
- Increase funding of the Workforce Housing Loan Program.
- Restore the State Affordable Housing Tax Credit.
- Repeal of Session Law 2016-3/House Bill 2

Community Standards

Asheville, the largest city in Western North Carolina, is nationally known for its natural beauty, rich architectural legacy, and entrepreneurial energy. In order to promote economic vitality in a manner that maintains the unique features that make our community a desirable place to live, work, and play, municipalities and local officials need to be enabled with the tools and authority to make local decisions.

- Oppose legislation that removes or limits local control of the regulation of trees.
- Oppose legislation that preempts municipal authority to regulate design and aesthetic controls in historic districts.

Environmental Stewardship

As a community committed to sustainability and environmental stewardship, Asheville needs adequate regulatory authority in order to maximize its partnership in environmental protection with state and federal agencies. As a city with a proud mountain heritage and identified as a destination for ecotourism and "green" industry, the Blue Ridge mountain region's natural beauty is recognized as a great benefit to the community. Environmental protection is essential to a high quality of life, cultural heritage, and economic development.

- Oppose legislation that would limit municipal authority to regulate environmental standards such as erosion control or stormwater quality.
- Continue to support the effective clean up and disposal of coal ash across the state.
- Increase funding to the state's natural resource focused trust funds.

RESOLUTION NO. 16-86

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, Ms. Jenny Bowen has resigned from the Public Art & Cultural Commission, thus leaving an unexpired term until June 30, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Ron Laboray, 1 Mountain Terrace, Asheville, N.C., be and he is hereby appointed as a member to the Public Art & Cultural Commission to serve the unexpired term of Ms. Bowen, term to expire June 30, 2017, or until his successor has been appointed.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bowman
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowman
City Clerk

RESOLUTION NO. 16-87

RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

WHEREAS, Ms. Laura Carlson has resigned from the Recreation Board, thus leaving an unexpired term until June 30, 2017; and

WHEREAS, Mr. Forrest Merithew has resigned from the Recreation Board, thus leaving an unexpired term until June 30, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Sheneika Smith, 16 Crestland Road, Asheville, North Carolina, be and she is hereby appointed as a member to the Recreation Board to serve the unexpired term of Ms. Carlson, term to expire June 30, 2017, or until her successor has been appointed.

Ms. Megan Archer, 189 Vermont Avenue, Asheville, North Carolina, be and she is hereby appointed as a member to the Recreation Board to serve the unexpired term of Mr. Merithew, term to expire June 30, 2018, or until her successor has been appointed.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bullman
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullman

BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

RESOLUTIONS

MINUTES

VOLUME: 38

(APRIL 26, 2016 – JUNE 13, 2017)

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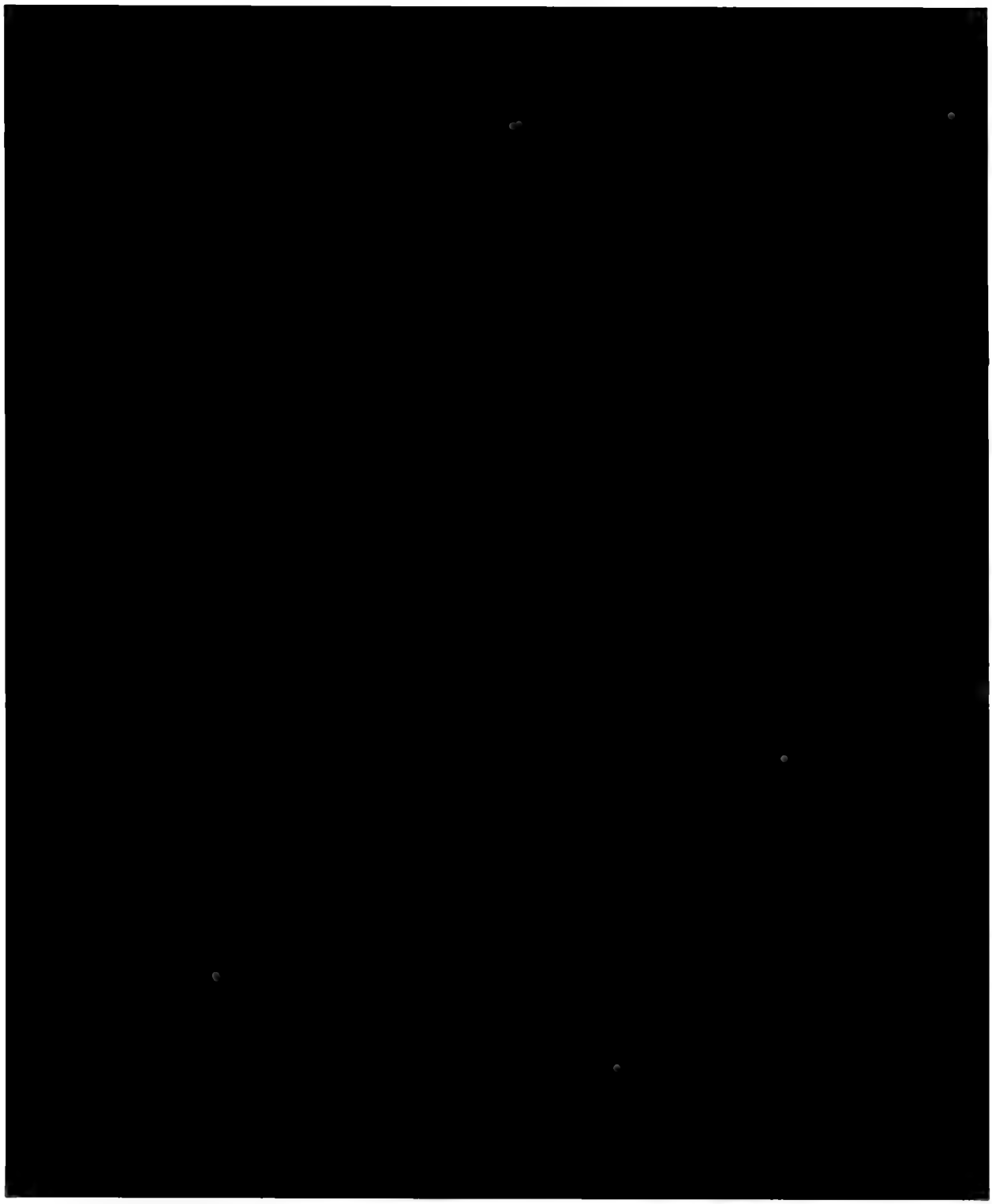

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RESOLUTION NO. 16-88

RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH THE UNITED STATES OF AMERICA FOR CITY-OWNED REAL PROPERTY AT 224 LOUISIANA AVENUE, ASHEVILLE, NC

WHEREAS, the City of Asheville is the owner of real property located at 224 Louisiana Avenue, identified as PIN #9638.17-8276-00000; and

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. sec. 160A-274, to lease its real or personal property to other governmental agencies and units of government upon such terms as it deems wise; and

WHEREAS, said property has been leased to the United States of America (Government) since 1950 for the operation of an Army Reserve Center; and

WHEREAS, the United States of America has offered to lease said property for an term of five (5) years at rate of $110,000 per year, with 3% annual increases; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed lease agreement on April 1, 2016, in the Asheville Citizen-Times; and

WHEREAS, the City has no anticipated need for the property during the term of the lease;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to N. C. Gen. Stat. sec. 160A-274, the City Manager is hereby authorized to execute the Lease Agreement between the City of Asheville and the United States of America for property at 224 Louisiana Avenue, at the rate of $110,000 per year with 3% annual escalations. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 26th day of April, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 16 - 89

RESOLUTION ACCEPTING WHITE ASH DRIVE EAST AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to NCGS § 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, White Ash Drive East is located in the corporate limits of the City of Asheville; and

WHEREAS, the developer agreed to a voluntary annexation contingent upon the acceptance of the streets in Biltmore Park provided they are constructed to City standards; and

WHEREAS, White Ash Drive East was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, dedication of the 45 to 50-foot right-of-way for White Ash Drive East has been recorded in Plat Book 78 Page 174; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

White Ash Drive East is accepted by the City of Asheville for maintenance as indicated on the attached map section.

Read, approved and adopted this 26th day of April, 2016.

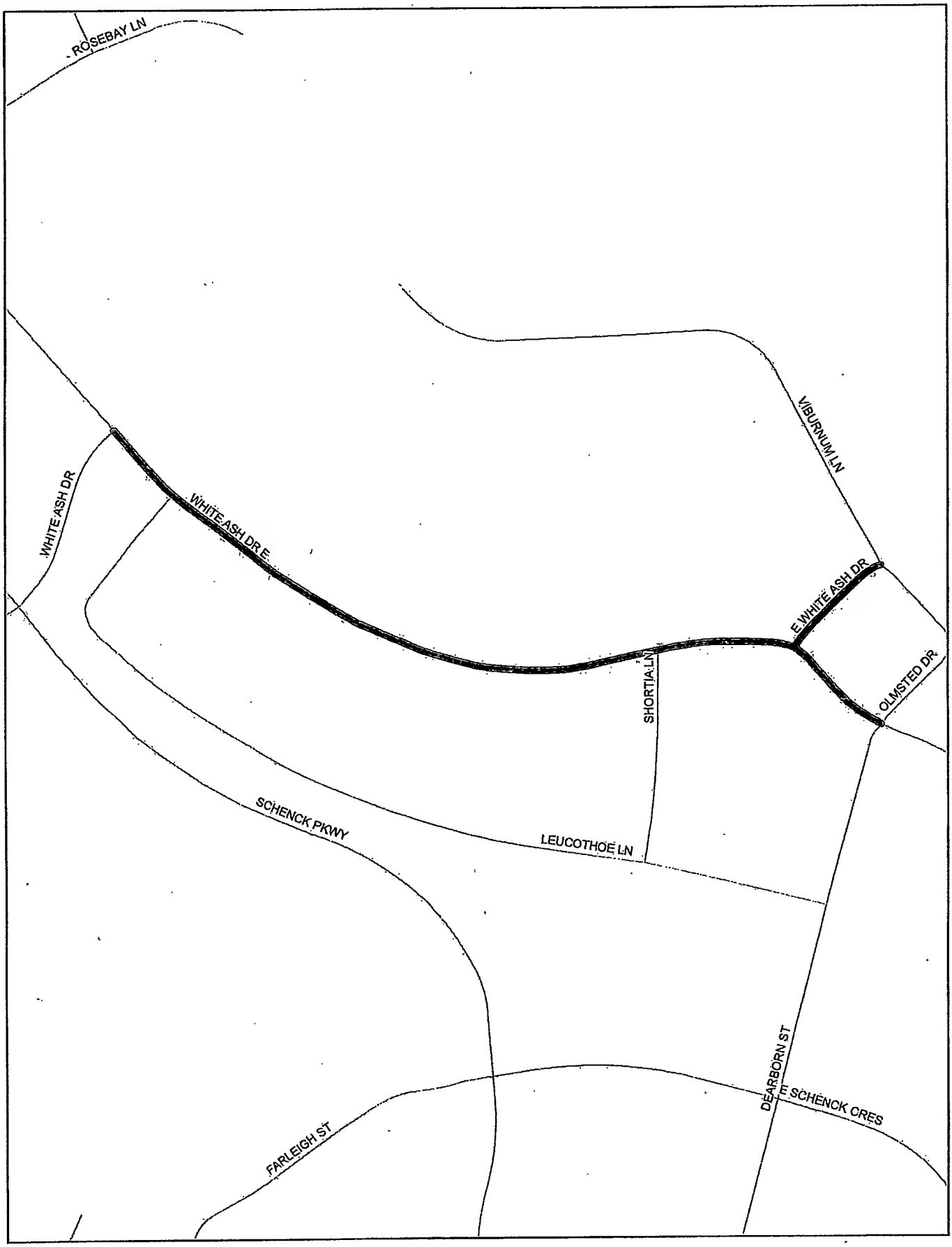
Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk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SHORTIA LN
SCHENCK PKWY
LEUCOTHOE LN
DEARBORN ST
E SCHENCK CRES
FARLEIGH ST

4

RESOLUTION NO. 16 - 90

RESOLUTION ACCEPTING OCASO DRIVE, PACIFICO DRIVE, AND VERANO COURT AS CITY-MAINTAINED STREETS

WHEREAS, pursuant to NCGS § 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, Ocaso Drive, Pacifico Drive, and Verano Court are located in the corporate limits of the City of Asheville; and

WHEREAS, Ocaso Drive, Pacifico Drive, and Verano Court were constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the Bonito Ocaso Homeowners Association is responsible for repairing any major failures to Ocaso Drive, Pacifico Drive, and Verano Court including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the 45-foot right-of-way for Ocaso Drive has been recorded in Plat Book 108 Page 44; and

WHEREAS, dedication of the 45-foot right-of-way for Pacifico Drive has been recorded in Plat Book 108 Pages 44, 45, 46, and 47; and

WHEREAS, dedication of the 45-foot right-of-way for Verano Court has been recorded in Plat Book 108 Page 44; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ocaso Drive, Pacifico Drive, and Verano Court are accepted by the City of Asheville for maintenance as indicated on the attached map section.

Read, approved and adopted this 26th day of April, 2016.

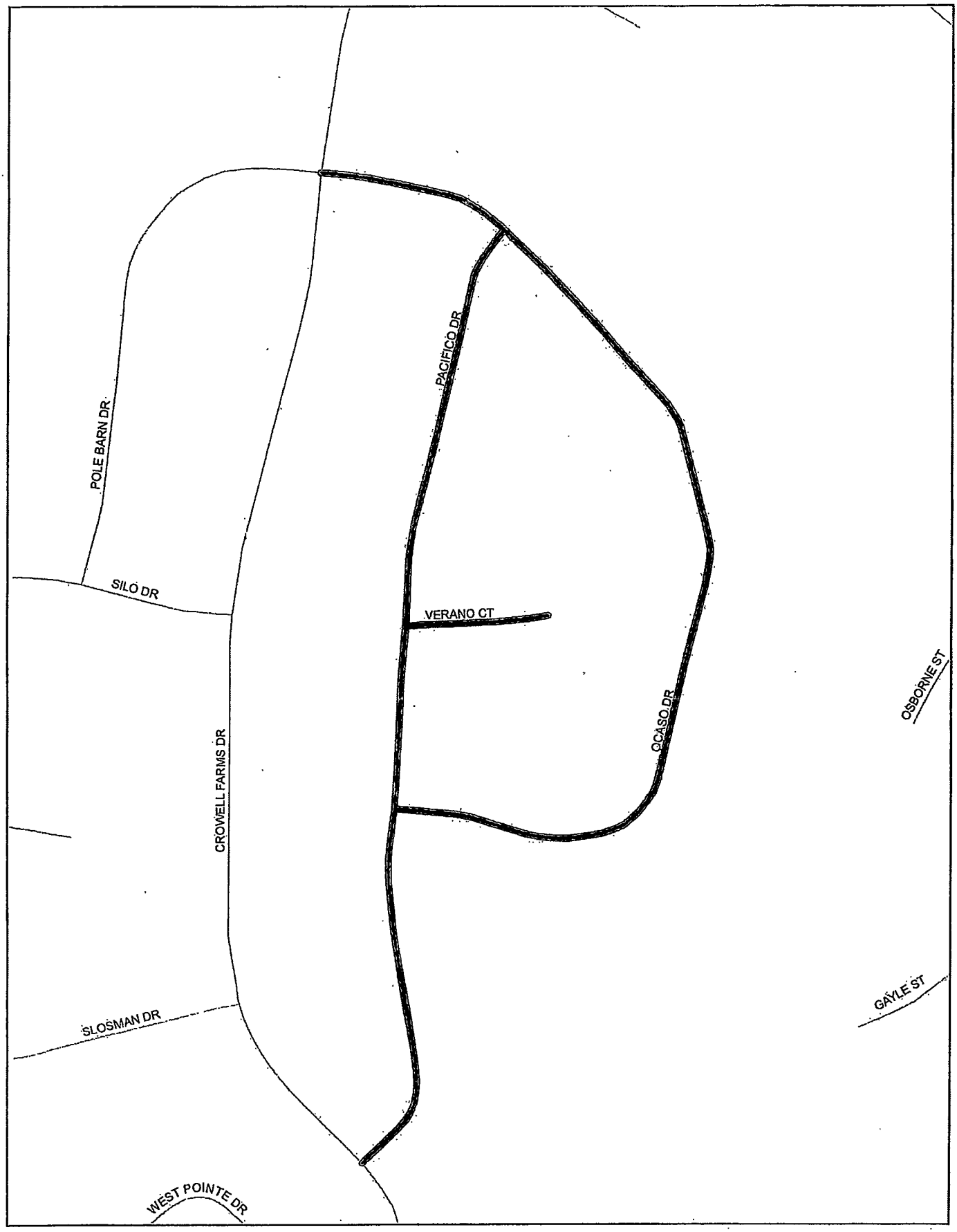
Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk


POLE BARN DR
PACIFICO DR
SILO DR
VERANO CT
OCASO DR
OSBORNE ST
CROWELL FARMS DR
SLOSMAN DR
GAYLE ST
WEST POINTE DR

6

RESOLUTION NO. 16- 91

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CAROLINA CORNERSTONE CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE CARRIER PARK MULTI-PURPOSE BUILDING RENOVATIONS

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, The City has determined existing multi-purpose building at Carrier Park has code violations and has exceeded its life expectancy, and is in poor condition for users; and

WHEREAS, the City has identified the need for renovation and has planned to complete the project under the general capital improvement fund for Parks and Recreation Department; and

WHEREAS, the Carrier Park multi-purpose building renovation demonstrates the City's commitment to maintain and improve the City's infrastructure as identified in the 2036 Council Vision; and

WHEREAS, the Carrier Park multi-purpose building renovations will provide improved performance through ongoing care and maintenance of facilities as identified in the Parks, Recreation Cultural Arts, and Greenway Master Plan; and

WHEREAS, Carolina Cornerstone Construction, Inc. was selected as the lowest, responsible bidder as part of an Advertisement for Bids process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Carolina Cornerstone Construction, Inc. to renovate Carrier Park multi-purpose building for an amount of 274,108.00 plus a contingency of 15,892.00, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project within the approved budget.

Read, approved and adopted this the 26th day of April, 2016.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 16-92

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO FUND THE APPRENTICE/INTERN PROGRAM FOR FISCAL YEAR 2016-17

WHEREAS, funds for FY 2016-17 are available from the North Carolina Department of Transportation (NCDOT) to hire a transit planning apprentice to perform planning activities; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of $32,432 for the cost of transit planning from the NCDOT; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $3,244; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal and State government and to enter into contracts for the administration of said grants;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the N.C. Dept. of Transportation to fund the apprentice/intern program for FY 2016-17.

Read, approved and adopted this 26th day of April 2016.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

8

RESOLUTION NO. 16-93

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ROGERS GROUP, INC. FOR THE PROJECT KNOWN AS ASPHALT PAVING IMPROVEMENTS – FISCAL YEAR 2016, CITY OF ASHEVILLE PROJECT # ST-15-16-002

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Asphalt Paving Improvements – Fiscal Year 2016, City of Asheville Project # ST-15-16-002; and

WHEREAS, Rogers Group, Inc. of Nashville, TN was the lowest responsible bidder for the project, and

WHEREAS, Rogers Group Inc. shall provide all labor, materials and equipment for the installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, ADA Ramps and Full Depth Pavement Repair; and

WHEREAS, the amount of the agreement is $1,798,261.65 and the monies have been budgeted in the Capital Projects 2015-2016 Fiscal Year Budget; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute, on behalf of the City of Asheville, a contract in the amount of $1,798,261.65 plus a contingency of 11.47% ($206,255.95) with Rogers Group, Inc. for the project known as Asphalt Paving Improvements – Fiscal Year 2016, City of Asheville Project # ST-15-16-002, and further authorized to execute any change orders to said contract which may arise during construction of said project up to the budgeted amount of $2,004,517.60.

Read, approved and adopted this the 26th day of April, 2016.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION 16-_94

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment purchase contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City has previously executed and delivered an Installment Financing Contract dated as of June 1, 2012 (the *"2012 Contract"*), between the Asheville Public Financing Corporation (the *"Corporation"*) and the City, the proceeds of which were used to finance the costs of (1) acquiring, constructing and improving certain streets, sidewalks, greenways, sewer facilities and other improvements related thereto in the City; (2) renovating and improving City Hall and the Civic Center; (3) acquiring and installing vehicles and equipment; (4) refinancing prior installment payment obligations of the City, the proceeds of which were used to finance and refinance improvements to various City facilities, including a parking facility at 51 Biltmore (each of the projects described above to be financed and refinanced with the proceeds of the 2012 Contract are referred to herein as the "*Prior Projects*");

WHEREAS, the City Council of the City of Asheville, North Carolina (the *"City Council"*), hereby determines that it is in the best interest of the City to enter into an amendment to the 2012 Contract (the *"Contract Amendment"* and together with the 2012 Contract, the *"Contract"*) with the Corporation in order to finance the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities (the *"2016 Projects"* and collectively with the Prior Projects, the *"Projects"*);

WHEREAS, in order to secure its obligations under the Contract, the City has granted a Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2012 (the *"Deed of Trust"*) on the real property on which City Hall is located;

WHEREAS, as part of the 2016 Projects the City will make certain repairs and renovations to its Public Works Facility and the Municipal Building and has determined to amend the Deed of Trust to include a lien on the sites of the Public Works Facility and the Municipal Building in order to further secure its obligations under the Contract;

WHEREAS, the City hereby determines that the Projects are essential to the City's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Projects will provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into the Contract Amendment is necessary and expedient for the City by virtue of the findings presented herein; and

WHEREAS, the City hereby determines that the Contract Amendment allows the City to purchase the 2016 Projects and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the City; and

WHEREAS, the City hereby determines that the estimated cost of financing the 2016 Projects is an amount not to exceed $46,000,000.00 and that such cost of the Projects exceed the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State; and

WHEREAS, although the cost of financing the 2016 Projects pursuant to the Contract Amendment is expected to exceed the cost of financing the 2016 Projects pursuant to a bond financing for the same undertaking, the City hereby determines that the cost of financing the 2016 Projects pursuant to the Contract Amendment and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of acquiring and constructing the 2016 Projects; and (3) insufficient revenues are produced by the 2016 Projects so as to permit a revenue bond financing; and

WHEREAS, the City has determined and hereby determines that the estimated cost of financing the 2016 Projects pursuant to the Contract Amendment reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles; and

WHEREAS, the City does not anticipate a future property tax increase to pay installment payments falling due under the Contract Amendment; and

WHEREAS, Parker Poe Adams & Bernstein LLP, as bond counsel (*"Bond Counsel"*), will render an opinion to the effect that entering into the Contract Amendment and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, the City is not in default under any of its debt service obligations;

WHEREAS, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act;

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the North Carolina Local Government Commission (the *"LGC"*), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies; and

WHEREAS, a public hearing on the Contract Amendment after publication of a notice with respect to such public hearing will be held on May 10, 2016 and approval of the LGC with respect to entering the Contract Amendment must be received;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Authorization to Negotiate Amendment.*** That the City Manager or the Chief Financial Officer, with advice from the City Attorney and Bond Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the City for the financing of the 2016 Projects under the Contract Amendment for a principal amount not to exceed $46,000,000 under the Contract Amendment to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina.

Section 2. ***Application to LGC.*** That the Chief Financial Officer or her designee is hereby directed to file with the LGC an application for its approval of the Contract Amendment and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.

Section 3. ***Direction to Retain Professionals.*** That the Chief Financial Officer is hereby authorized and directed to retain the assistance of Parker Poe Adams & Bernstein LLP, as bond counsel; DEC Associates, Inc., as financial advisor; and Branch Banking and Trust Company, as trustee. The Chief Financial Officer is hereby authorized to retain such other professionals as she deems necessary in his judgment to carry out the transaction contemplated in this Resolution.

Section 4. ***Public Hearing.*** That a public hearing (the *"Public Hearing"*) shall be conducted by the City Council on May 10, 2016 at or about 5:00 p.m. in the Council Chamber, 2nd Floor of City Hall, 70 Court Plaza, Asheville, North Carolina, concerning the Contract Amendment, the extension of the Deed of Trust and the proposed 2016 Projects. The City Clerk is hereby directed to cause a notice of the Public Hearing, in the form attached hereto as Exhibit A, to be published once in a qualified newspaper of general circulation within the City no fewer than 10 days prior to the Public Hearing.

Section 5. ***Repealer.*** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 6. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 26th day of April, 2016.

Magdalen Bowlson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bowlson
City Clerk

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EXHIBIT A
NOTICE OF PUBLIC HEARING

The City Council (the "City Council") of the City of Asheville, North Carolina (the "City") is considering entering into an amendment (the "Amendment") to an existing installment financing contract (the "Contract"), in a principal amount not to exceed $46,000,000, under which the City will make certain installment payments, in order to pay the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities (the "Projects"). A complete list of the Projects is available in the City Clerk's office. Under the Contract the City has previously financed and refinanced various projects in the City, including renovation to City Hall. In connection with the Contract, the City has granted a deed of trust and security agreement (the "Deed of Trust") under which the site of City Hall, and the improvements thereon, have been mortgaged by the City to create a lien thereon for the benefit of the entities, or their assigns, providing the funds to the City under the Contract. In connection with the Amendment, the City is considering amending the Deed of Trust to grant additional liens on the City's Public Works Facility and Municipal Building, repairs and renovations to each are included as part of the Project, in order to further secure the City's obligations under the Contract, as amended by the Amendment. City Hall is located at 70 Court Plaza, the Public Works Facility is located at 161 S. Charlotte Street and the Municipal Building is located at 100 Court Plaza, each in Asheville, North Carolina. On payment by the City of all installment payments due under the Contract, the Deed of Trust and any lien created thereunder will terminate and the County's title to the mortgaged property will be unencumbered.

NOTICE IS HEREBY GIVEN, pursuant to Sections 160A-20 of the General Statutes of North Carolina, that on May 10, 2016 at or about 5:00 p.m. in the Council Chamber, 2nd Floor of City Hall, 70 Court Plaza, Asheville, North Carolina, a public hearing will be conducted concerning the approval of the execution and delivery of the Amendment, the extension of the Deed of Trust and the City's financing of the Projects. All interested parties are invited to present comments at the public hearing regarding the execution and delivery of the Amendment, the extension of the Deed of Trust and the Projects to be financed thereby.

/s/ Magdalen Burleson
City Clerk
City of Asheville, North Carolina

RESOLUTION NO. 16-95

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH SITEWORK STUDIOS, PLLC FOR GEOTECHNICAL ASSESSMENTS FOR THE TOWN BRANCH GREENWAY

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, on February 22, 2011, the City Council approved the Cooperative Agreement with the Federal Transportation Administration for the use of TIGER II Planning Grant funds, including the allocation of funds for Greenways and RADTIP; and

WHEREAS, a Request for Qualifications was issued on February 22, 2012 for design and engineering services for the Clingman Forest and Town Branch Greenways, and Sitework Studios, PLLC was selected following a thorough staff review and evaluation; and

WHEREAS, City Council on January 8, 2013, City Council authorized the City Manager to enter into a contract with Sitework Studios, PLLC to prepare architectural and engineer construction documents for the Town Branch and Clingman Forest Greenways in the original amount of $370,000 and this contract was amended in September 2013 to $495,000 to include preparation of engineering construction documents for the Five Points Roundabout and March 2016 to $540,000 to update the plans, specifications, and engineering estimates and the contract requires an additional amendment to perform geotechnical design services; and

WHEREAS, the City Council has approved funding via the Capital Improvement Project budget for Stormwater and Greenways;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the existing contract on behalf of the City of Asheville with Sitework Studios in an additional amount not to exceed $37,000 for the Town Branch Greenway geotechnical design services and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 26th day of April, 2016.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 16-96

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2016-2017 TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, each year the City must submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Annual Action Plan detailing its proposed use of CDBG and HOME funds; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, for an Action Plan for fiscal year 2016-17; and

WHEREAS, a public hearings has been held on April 26, 2016 to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the submission to HUD of the Consolidated Annual Action Plan for 2016-17 which is incorporated by reference as if fully set forth herein.

2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the Consolidated Action Plan.

Read, approved and adopted this 26th day of April, 2016.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 16-97

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH DUKE ENERGY PROGRESS FOR THE PURCHASE OF PROPERTY AT 319 BILTMORE AVENUE, KNOWN AS THE MATTHEWS FORD PROPERTY, FOR THE PURPOSE OF PROVIDING MIXED USE DEVELOPMENT WITH SIGNIFICANT MIXED INCOME HOUSING AND TO EXECUTE ANY OTHER DOCUMENTS NECESSARY FOR THIS TRANSACTION

WHEREAS, pursuant to N.C.G.S. 160A-11 and 160A-240.1, the City is authorized to acquire property by purchase or any other lawful method; and

WHEREAS, The Asheville City Council has established a Strategic Goal to increase the supply of affordable housing in the City; and

WHEREAS, The Asheville City Council has established an action Item to identify and initiate use of city owned land for development of affordable housing projects to achieve that goal; and

WHEREAS, the property located at 316 Biltmore Avenue is owned by Duke Energy Progress and is contiguous to Lee Walker Heights; and

WHEREAS, the Housing Authority of the City of Asheville is in the process of obtaining tax credits to assist in the redevelopment of Lee Walker Heights into a mixed income community; and

WHEREAS, the consolidation of the Biltmore Ave. Property and the Lee Walker Heights property can become a transformational mixed income community that improves economic mobility for all of our citizens in the area; and

WHEREAS, the MOU allows for the ability to provide multimodal access to Lee Walker Heights from Biltmore Avenue; and

WHEREAS, this redevelopment model that includes mixed-income housing, and multi-modal access to jobs, services and schools has been recognized through various communities as the best practice for moving individuals in public housing into a more stable financial, physical and emotional status;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a Memorandum of Understanding with Duke Energy Progress for the purchase of property at 319 Biltmore Avenue, known as the Matthews Ford property, for the purpose of providing mixed use development with significant mixed income housing and to execute any other documents necessary for this transaction.

Read, approved and adopted the 26th day of April, 2016.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

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RESOLUTION NO. 16-98

RESOLUTION OF FUNDING COMMITMENT IN SUPPORT OF AN APPLICATION TO THE NORTH CAROLINA HOUSING FINANCE AGENCY FOR LOW INCOME HOUSING TAX CREDITS TO ASSIST WITH THE REDEVELOPMENT OF LEE WALKER HEIGHTS

WHEREAS, the City and region face a serious current and projected shortage of affordable housing; and

WHEREAS, the City has developed a Consolidated Strategic Housing and Community Development Plan to guide the City's efforts in helping address this shortage, including high level priorities for developments that (1) provide affordable rental housing for households earning 60% of median income or less, (2) respond to the urgent need for one bedroom units and (3) provide rental housing for low income people in mixed-income developments; and

WHEREAS, the City Council 2036 Vision also prioritizes the transformation of former public housing communities, to create a diverse mix of affordable rate homes within vibrant neighborhoods; supports a diverse community by creating opportunities for Asheville residents to fulfill their potential because they have improved access to transportation, and living wage jobs from affordable housing that will continue to serve a racially diverse population; and supports quality affordable housing that will be affordable not only because of reasonable prices but also because of low energy and transportation costs, and

WHEREAS, the Asheville Housing Authority, in collaboration with Mountain Housing Opportunities and a team of affordable housing design professionals, after extensive consultation with the current residents of Lee Walker Heights, has developed a plan for the redevelopment of Lee Walker Heights, which will include replacement of the existing 96 public housing units with 212, new affordable mixed-income units; and

WHEREAS, the Lee Walker Heights redevelopment project will (1) significantly expand the number of units affordable to households earning less than 60% of median income in a mixed-income setting; (2) increase the number of one bedroom units by at least 1200% (from 8 to 96 on the current site); (3) provide higher density construction within walking distance of Mission Health System and downtown Asheville; and (4) include Enterprise Green Communities certification and food production opportunities for residents;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville strongly supports this redevelopment effort and the application to the North Carolina Housing Finance Agency for Low Income Housing Tax Credits to provide key equity funding for the initial phase; and

2. The City hereby commits an amount not to exceed $4.2 million to the Lee Walker Heights redevelopment project, conditional on the award of 2016 Low Income Housing Tax Credits to the project by the North Carolina Housing Finance Agency; and

3. The City Manager is authorized to communicate this commitment to the Asheville Housing Authority by letter, so that this commitment may be communicated in a timely fashion concurrent with the anticipated application for Low Income Housing Tax Credits for the project.

Read, approved and adopted the 26th day of April, 2016.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 16-99

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SKIDMORE OWINGS AND MERRILL FOR THE PURPOSE OF DEVELOPING THE CITY OF ASHEVILLE 2025 COMPREHENSIVE PLAN UPDATE

WHEREAS the current Comprehensive Plan for the City of Asheville was completed in 2003, and is in need of updating; and

WHEREAS, the City of Asheville Department of Planning and Urban Design issued a Request for Proposals ("RFP") # 298-16-PUD-CP on November 9, 2015, for consulting services to update the Comprehensive Plan for the City of Asheville and the firm, Skidmore Owings and Merrill, PLLC, was selected; and

WHEREAS, the City of Asheville has approved $200,000 in the fiscal 2016 year budget for the purpose of developing the Comprehensive Plan Update and has identified an additional $64,345 to cover the cost of the contract with Skidmore Owings and Merrill, PLLC;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract with Skidmore Owings and Merrill, PLLC, PLLC, in an amount not to exceed $264,345, for the purposes of developing the City of Asheville Comprehensive 2025 Plan Update.

Read, approved and adopted this 26th day of April, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 16-100

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT FOR PROJECT NO. 3-37-0005-046-2016

WHEREAS, the City of Asheville has the authority pursuant to G. S. 160A-17.1 to apply for and receive grants from the federal government, and to enter into agreements as to the administration of such grants; and

WHEREAS, the Federal Aviation Administration ("FAA") has offered a grant agreement to the Asheville Regional Airport Authority in an amount of $12,260,258 for the following: rehabilitate runway (Phase 4 Site Preparation and NAVAIDs Installation, Permanent Runway 16/34), and acquire aircraft rescue and firefighting vehicle;

WHEREAS, the City of Asheville and the County of Buncombe are co-sponsors of the grant agreement; and

WHEREAS, the FAA requires each sponsor to execute said grant agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor be and is hereby authorized to execute the FAA Grant Agreement for Project No. 3-37-0005-046-2016 in an amount of $12,260,258.

Read, approved and adopted this 10th day of May, 2016.

Magdalen Bowlesson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16- 101

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGFEST ON THE DATE OF SUNDAY, MAY 15, 2016 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Asheville Vegfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Vegfest event area, as set forth in Exhibit A, attached.

   The Asheville Vegfest event area is within the boundaries of the Roger McGuire Green and Reuter Terrace at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville Vegfest on Sunday, May 15, 2016 from 12:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Vegfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Vegfest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville Vegfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 10th day of May, 2016.

Magdalen Burleson
CITY CLERK

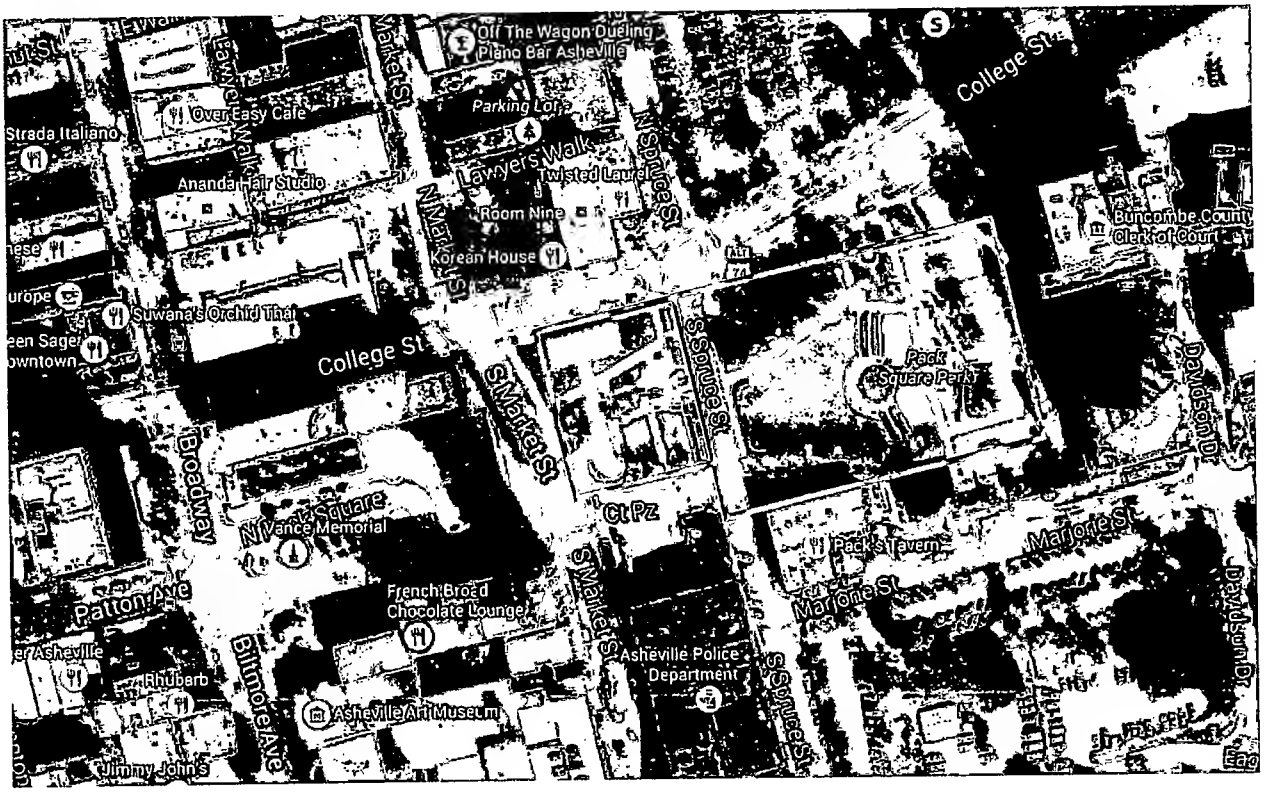
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

EXHIBIT A


Off The Wagon Dueling Piano Bar Asheville
Parking Lot
Over Easy Cafe
Strada Italiano
Lawyer's Walk
Ananda Fair Studio
Twisted Laurel
Room Nine
Korean House
Suwana's Orchid Thai
College St
S Market St
S Spruce St
N Market St
N Spruce St
Broadway
Pack Square Park
Buncombe County Clerk of Court
Davidson Dr
Ct Pz
Vance Memorial
Pack's Tavern
Marjorie St
Patton Ave
French Broad Chocolate Lounge
Asheville Police Department
Rhubarb
Asheville Art Museum
Jimmy John's
Biltmore Ave

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RESOLUTION NO. 16- 102

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER 5 ON THE DATES OF FRIDAYS, MAY 20, JUNE 17, JULY 15, AUGUST 19, & SEPTEMBER 16, 2016 FROM 5:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Downtown After 5.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Downtown After 5 event area, as set forth in Exhibit A, attached.

   The Downtown After 5 event area is within the boundaries of Lexington Avenue between the I-240 overpass and Hiawassee Street intersection.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Downtown After 5 on Fridays, May 20, June 17, July 15, August 19 and September 16, 2016 from 5:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Downtown After 5 event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Downtown After 5 event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Downtown After 5, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 10th day of May, 2016.

Magdalen Bouleson
CITY CLERK

Eaton E. Mahe
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

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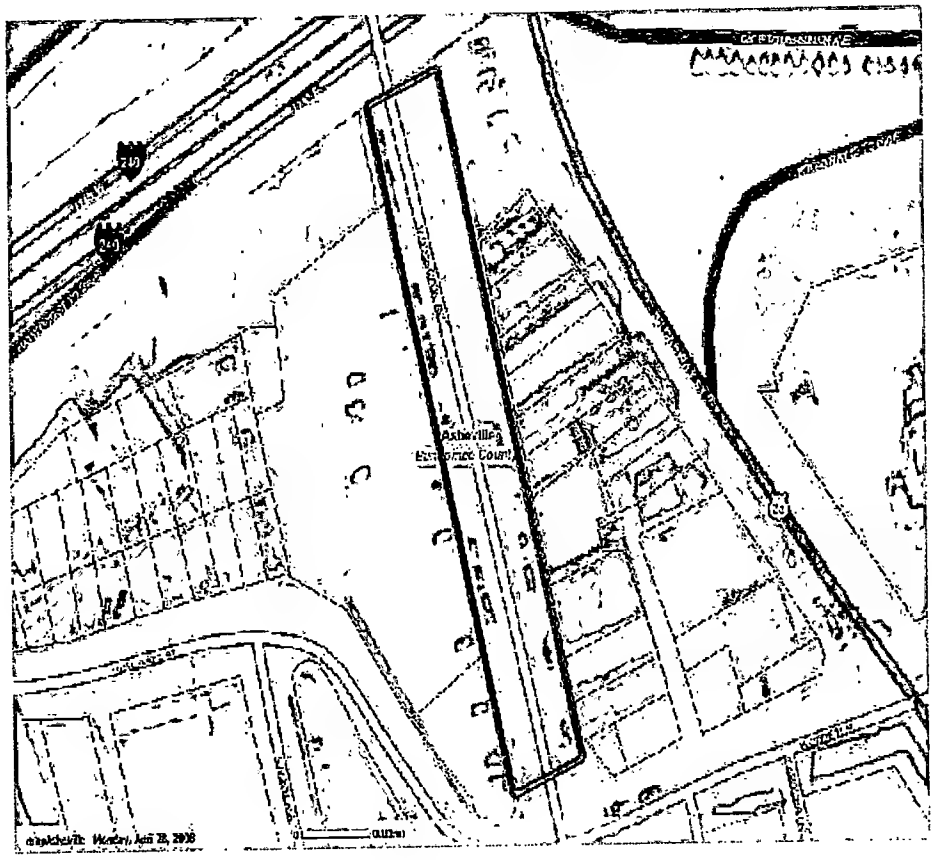
EXHIBIT A



Lexington Avenue (100 Block)

RESOLUTION NO. 16- 103

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE HALF MARATHON ON THE DATE OF SATURDAY, JUNE 4, 2016 FROM 7:00 AM – 12:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Half Marathon.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Half Marathon event area, as set forth in Exhibit A, attached.

   The Asheville Half Marathon event area is within the boundaries of the Roger McGuire Green at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Half Marathon on Saturday, June 4, 2016 from 7:00 a.m. – 12:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Half Marathon event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Half Marathon event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville Half Marathon, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 10th day of May, 2016.

Magdalen Bowlesson
CITY CLERK

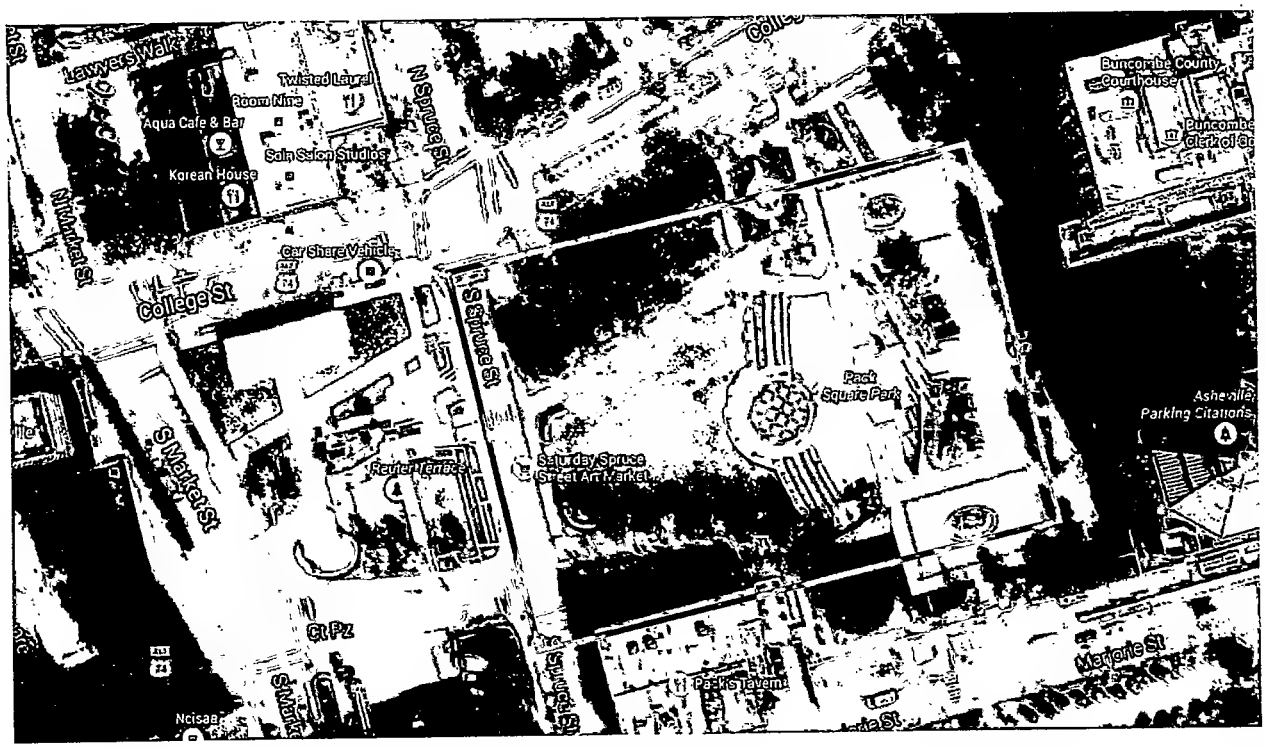
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

EXHIBIT A


Lawyers Walk
Twisted Laurel
Room Nine
Aqua Cafe & Bar
Korean House
Spin Salon Studios
N Spruce St
Buncombe County Courthouse
Buncombe Clerk of Sc
N Market St
College St
Car Share Vehicle
S Spruce St
Pack Square Park
Asheville Parking Citations
Ferrier Terrace
Saturday Spruce Street Art Market
S Market St
Ct Pz
Margrie St
Park's Tavern
Ncisaa

28

RESOLUTION NO. 16- 104

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ARTS 2 PEOPLE FESTIVAL ON THE DATE OF SUNDAY, SEPTEMBER 4, 2016 FROM 12:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Arts 2 People Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Arts 2 People Festival event area, as set forth in Exhibit A, attached.

   The Arts 2 People Festival event area is within the boundaries of Lexington Avenue between the intersections of College Street and the I-240 overpass, Walnut Street between the intersections of Carolina Lane & Rankin Avenue, and Hiawassee between the intersection of Rankin Avenue and Lexington Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Arts 2 People Festival on Sunday, September 4, 2016 from 12:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Arts 2 People Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Arts 2 People Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Arts 2 People Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 10th day of May, 2016.

Magdalen Bouleson
CITY CLERK

Edna E. Mahan
MAYOR

Approved as to form.

CITY ATTORNEY

Magdalen Bouleson
City Clerk

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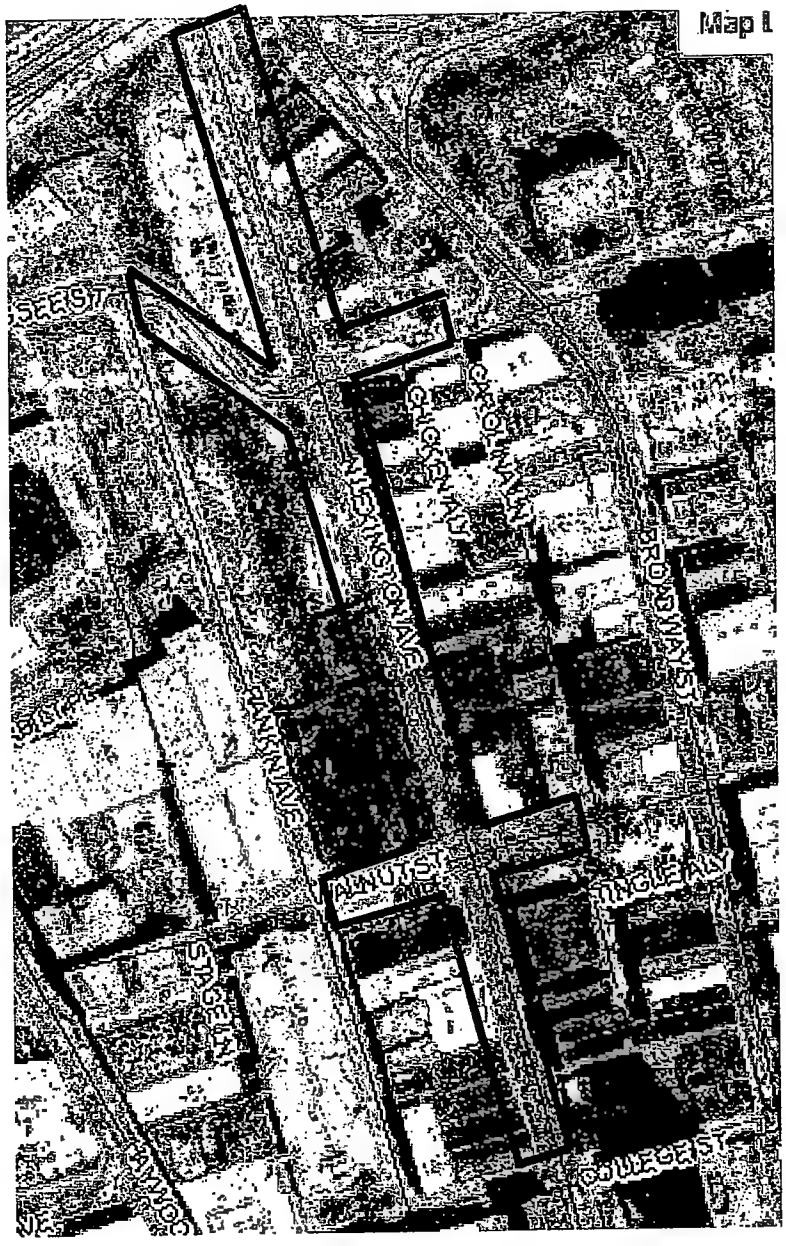
EXHIBIT A


Map 1
SE 1ST
CAROLINA AVE
QUEEN WAY
WASHINGTON AVE
BROADWAY ST
MAIN ST
ALMUT ST
ENGLISH AVE
SUPERIOR
CHURCH ST

RESOLUTION NO. 16- 105

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE AIA ASHEVILLE DESIGN AWARDS GALA ON THE DATE OF THURSDAY, SEPTEMBER 8, 2016 FROM 7:00 PM – 9:30 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the AIA Asheville Design Awards Gala.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the AIA Asheville Design Awards Gala event area, as set forth in Exhibit A, attached.

   The AIA Asheville Design Awards Gala event area is within the boundaries of the Roger McGuire Green at Pack Square Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the AIA Asheville Design Awards Gala on Thursday, September 8, 2016 from 7:00 p.m. – 9:30 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the AIA Asheville Design Awards Gala event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the AIA Asheville Design Awards Gala event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the AIA Asheville Design Awards Gala, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 10th day of May, 2016.

Magdalen Bullock
CITY CLERK

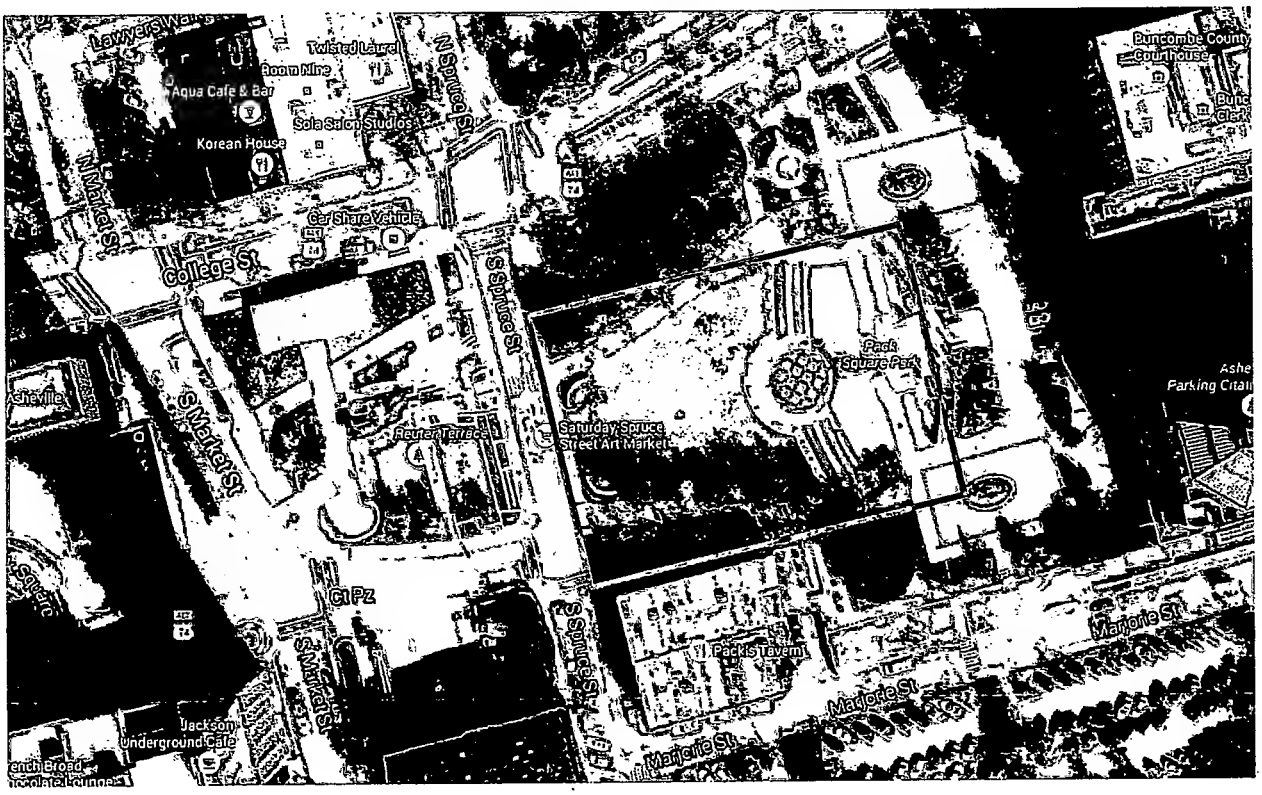
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

EXHIBIT A


Lawyers Weekly
Twisted Laurel
Boom Nine
Aqua Cafe & Bar
Sola Salon Studios
Korean House
N Spruce St
N Main St
Car Share Vehicle
College St
S Spruce St
Buncombe County Courthouse
Pack Square Park
Asheville
Parking Citati
S Main St
Aquere Terrace
Saturday Spruce Street Art Market
Ct Pz
S Spruce St
Marjorie St
Pack's Tavern
Jackson Underground Cafe
S Main St

RESOLUTION NO. 16-106

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH W. K. DICKSON & CO., INC., TO INCREASE THE ENGINEERING DESIGN SERVICES CONTRACT FOR THE HORIZON HILL WATERLINE IMPROVEMENT PROJECT.

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, W. K. Dickson & Co., Inc., was selected by Staff via a Request for Qualifications process to perform engineering services related to the Horizon Hill Waterline Improvement Project; and

WHEREAS, during the course of the Project it was discovered that additional work and time, above and beyond the amounts estimated in the scope, was needed in order to meet the Project objectives; and

WHEREAS, a change order with W. K. Dickson & Co., Inc., is needed to increase the engineering design services contract in the amount of $9,170 from a total contract amount of $309,830 to $319,000 for the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a change order with W. K. Dickson & Co., Inc., to increase the engineering design services contract in the amount of $9,170 from a total contract amount of $309,830 to $319,000 for the Horizon Hill Waterline Improvement Project. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the estimated budgeted amount.

Read, approved and adopted this the 10th day of May, 2016.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16-107

RESOLUTION NAMING CITY OF ASHEVILLE FIRE STATION NUMBER SIX IN MEMORY OF FIREFIGHTER RAYMOND J. FLOWERS

WHEREAS, the City of Asheville has a policy for naming City of Asheville Facilities; and

WHEREAS, City of Asheville Firefighter Raymond Flowers was tragically killed in the line of duty on May 26th, 1982, while fighting a fire at 926 Haywood Road; and

WHEREAS, Asheville City Council would like to remember Firefighter Raymond J. Flowers' honorable service and sacrifice by naming City of Asheville Fire Station Six after him; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City of Asheville Fire Station Six is named in memory of City of Asheville Firefighter Raymond J. Flowers.

Read, approved and adopted this 10th day of May, 2016.

Magdalen Bowlesson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16-108

RESOLUTION AUTHORIZING THE CITY MANAGER TO DONATE EIGHT REMINGTON MODEL 870 12 GAUGE SHOTGUNS TO THE TOWN OF LAUREL PARK, NORTH CAROLINA

WHEREAS, pursuant to N.C.G.S. 160A-280(a), a city may donate to another governmental unit within the United States, a sister city, or a nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, any personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused; and

WHEREAS, the Town of Laurel Park has an identified need and interest in eight (8) twelve gauge shotguns for law enforcement use; and

WHEREAS, the Asheville Police Department currently possesses eight (8) Remington Model 870 12 gauge shotguns for which it has no use;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to donate eight Remington Model 870 12 gauge shotguns to the Town of Laurel Park, North Carolina.

Read, approved, and adopted this 10th day of May 2016.

Magdalen Bowlison
CITY CLERK

Esther G. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowlison
City Clerk

RESOLUTION NO. 16- 109

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH B. ALLEN CONSTRUCTION, INC. FOR THE CARRIER PARK SPORT COURTS AND PARK PLAZA RENOVATIONS

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, The City has determined existing sport courts and park plaza at Carrier Park has degraded over the years, created continual maintenance needs and conditions that constitute safety concerns for park users; and

WHEREAS, the City has identified the need for renovation and has planned to complete the project under the general capital improvement fund for Parks and Recreation Department; and

WHEREAS, the Carrier Park Sport Courts and Park Plaza Renovations demonstrates the City's commitment to maintain and improve the City's infrastructure as identified in the 2036 Council Vision; and

WHEREAS, the Carrier Park Sport Courts and Park Plaza Renovations will provide improved performance through ongoing care and maintenance of facilities as identified in the Parks, Recreation Cultural Arts, and Greenway Master Plan; and

WHEREAS, B. Allen Construction, Inc. was selected as the lowest, responsible bidder as part of an Advertisement for Bids process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with B. Allen Construction, Inc. to renovate Carrier Park Sport Courts and Park Plaza for an amount of $298,840 plus contingency of $25,160 for a total of $324,000, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project within the approved budget.

Read, approved and adopted this the 10TH day of May, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 16-110

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH WIRELESS COMMUNICATIONS, INC. FOR THE PURCHASE OF MICROWAVE RADIO EQUIPMENT AND SERVICES FOR THE PUBLIC SAFETY RADIO PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Public Safety Radio System is a critical resource to public safety operations; and

WHEREAS, the microwave communications systems are a necessary component of the radio system which have reached the end of their supported lifecycle; and

WHEREAS, the City of Asheville issued a request for proposals, per NC Statutes § 143-129.8 Purchase of Information Technology Goods and Services to provide equipment and services for replacement of the City's microwave communications systems; and

WHEREAS, contracts with Wireless Communications will not exceed $343,479; and

WHEREAS, the funding for this project is budgeted in the Public Safety Radio Upgrade Project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into all associated contracts on behalf of the City of Asheville with Wireless Communications, Inc. for the purchase of equipment and services necessary for replacement of the Microwave Communication Systems for $215,582 with an option for an additional path at $83,095 totaling $298,677. Additionally, the City Manager is authorized to approve and execute any change orders to said contracts or documents which may arise during the term of said contracts not to exceed 15% of the contract or $44,801.55.

Read, approved and adopted this the 10th day of May, 2016.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

RESOLUTION NO. 16-111

RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

WHEREAS, Mr. Bill Russell has resigned from the Civic Center Commission, thus leaving an unexpired term until June 30, 2017; and

WHEREAS, the term of Mr. Bill Jones, as a member of the Civic Center Commission, expire June 30, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Corey B. Atkins, 4 Braddock Way, Asheville, N.C., be and he is hereby appointed as a member to the Civic Center Commission to serve the unexpired term of Mr. Russell, term to expire June 30, 2017, or until his successor has been appointed.

Mr. Joe Greene, 4 Texas Street, Asheville, N.C., be and he is hereby appointed as a member to the Civic Center Commission to serve a three-year term, term to begin July 1, 2016, and expire June 30, 2019, or until his successor has been appointed.

Read, approved and adopted this 10th day of May, 2016.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

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RESOLUTION NO. 16-112

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO UTILITY RELOCATION AGREEMENTS WITH DUKE ENERGY AND OTHER UTILITY PROVIDERS FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City can contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the City is authorized by law to engage in.

WHEREAS, Utility relocations are necessary for construction of programmed transportation improvements as part of the River Arts District Transportation Improvement Project (RADTIP); and

WHEREAS, the City of Asheville and secondary utility providers work in partnership to arrive at relocation agreements and reimbursement procedures; and

WHEREAS, City Council has identified implementation of the RADTIP project as a key strategic goal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into Utility Relocation Agreements with Duke Energy and other utility providers as part of the approved project budget for the RADTIP.

Read, approved and adopted this the 17th day of May, 2016.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-113

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION TO RECEIVE TIGER VI TRANSPORTATION FUNDS

WHEREAS, N.C.G.S. § 160A-17.1(a) authorizes the City to make contracts for and to accept grants and loans from the federal government for constructing, expanding, maintaining and operating any project or facility; and

WHEREAS, the USDOT issued a Notice of Funding Availability (NOFA) for TIGER VI Transportation funds on March 3, 2014; and

WHEREAS, In September 2014, the Federal Highway Administration announced that the City of Asheville is a recipient of TIGER VI funds in the amount of $14,600,000; and

WHEREAS, the TIGER VI Projects included the River Arts District Transportation Improvement Project, Clingman Forest Greenway, Town Branch Greenway, French Broad Greenway, Livingston Street and Five Points; and

WHEREAS, City Council has identified implementation of this project as a key strategic goal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a grant agreement with the Federal Highway Administration receive $14,600,000 in TIGER VI Transportation Funds.

Read, approved and adopted this the 17th day of May, 2016.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

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RESOLUTION 16- 114

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT TO PROVIDE FOR THE FINANCING OF ADDITIONAL PROJECTS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a political subdivision validly existing under the Constitution, statutes and laws of the State (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina, to (1) purchase real and personal property, (2) enter into installment purchase contracts to finance the purchase or improvement of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased or improved to secure repayment of the purchase price;

WHEREAS, the City has previously executed and delivered an Installment Financing Contract dated as of June 1, 2012 (the *"2012 Contract"*), between the Asheville Public Financing Corporation (the *"Corporation"*) and the City, the proceeds of which were used to finance the costs of (1) acquiring, constructing and improving certain streets, sidewalks, greenways, sewer facilities and other improvements related thereto in the City; (2) renovating and improving City Hall and the Civic Center; (3) acquiring and installing vehicles and equipment; (4) refinancing prior installment payment obligations of the City, the proceeds of which were used to finance and refinance improvements to various City facilities, including a parking facility at 51 Biltmore (each of the projects described above to be financed and refinanced with the proceeds of the 2012 Contract are referred to herein as the "*Prior Projects*");

WHEREAS, in order to secure its obligations under the Contract, the City has granted a Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2012 (the *"Deed of Trust"*) on the real property on which City Hall is located;

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into Amendment Number One to the Installment Purchase Contract dated as of June 1, 2016, (the *"First Contract Amendment"* and together with the 2012 Contract, the *"Contract"*) between the Corporation and the City, which will supplement and amend the 2012 Contract, in order to finance the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities (the *"2016 Projects"* and collectively with the Prior Projects, the *"Projects"*);

WHEREAS, the Corporation will issue a Limited Obligation Bond, Series 2016, in an aggregate principal amount not to exceed $46,000,000 (the *"2016 Bond"*), evidencing a proportionate undivided interest in the right to receive Revenues pursuant to the Contract under the 2012 Indenture, as supplemented and amended by Supplemental Indenture, Number 1 dated as of June 1, 2016 (the *"First Supplemental Indenture"* and together with the 2012 Indenture, the *"Indenture"*), between the Corporation and the Trustee;

WHEREAS, as part of the 2016 Projects the City will make certain repairs and renovations to its Public Works Facility and the Municipal Building and has determined to amend the Deed of Trust to include a lien on the sites of the Public Works Facility and the Municipal Building in order to further secure its obligations under the Contract;

WHEREAS, Bank of America, N.A. (the *"Purchaser"*) has agreed to purchase the 2016 Bond;

WHEREAS, there have been described to the City Council the forms of the following documents (collectively, the *"Instruments"*), copies of which have been made available to the City Council, which the City Council proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment financing:

(1) the First Contract Amendment;

(2) the First Supplemental Indenture;

(3) the Notice of Extension and Amendment to Deed of Trust, dated as of June 1, 2016 (the *"Deed of Trust Amendment"*), amending the Deed of Trust; and

(4) the Bond Purchase and Advance Agreement, dated as of June 1, 2016 (the *"Purchase Agreement"*) between the City and the Purchaser;

WHEREAS, it appears that each of the Instruments is in an appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, a public hearing on the First Contract Amendment and the 2016 Projects after publication of a notice with respect to such public hearing was held by the City Council on May 10, 2016; and

WHEREAS, the City has filed an application to the LGC for approval of the First Contract Amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Ratification of Instruments.*** That all actions of the Mayor, the City Manager, the Chief Financial Officer, the City Clerk and their respective designees (the *"Authorized Officers"*), whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. ***Authorization to Execute the First Contract Amendment, the Deed of Trust Amendment and the Purchase Agreement.*** That the City approves the financing of the 2016 Projects as contemplated by the terms of the Instruments and in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The form and content of the First Contract Amendment, the Deed of Trust Amendment and the Purchase Agreement shall be and the same hereby are in all respects authorized, approved and confirmed, and the Authorized Officers, either individually or collectively, shall be and they hereby are authorized, empowered and directed to execute and deliver the First Contract Amendment, the Deed of Trust Amendment and the Purchase

Agreement, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all changes, modifications, additions or deletions therein from the form and content of the First Contract Amendment, the Deed of Trust Amendment and the Purchase Agreement presented to the City Council, and that from and after the execution and delivery of the First Contract Amendment, the Deed of Trust Amendment and the Purchase Agreement, the Authorized Officers, either individually or collectively, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract.

Section 3. ***City Representative.*** That each of the Authorized Officers are hereby designated as the City's Representative to act on behalf of the City in connection with the transactions contemplated by the Instruments, and they are authorized to proceed with the financing of the 2016 Projects in accordance with the Instruments and to seek opinions as to matters of law from attorneys as they deem appropriate for all documents contemplated hereby as required by law. The Authorized Officers, either individually or collectively, are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Instruments and the administration thereof after the issuance of the 2016 Bond or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 4. ***Severability.*** That if any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 5. ***Repealer.*** That all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 6. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 17th day of May, 2016

Magdalen Bouleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 16-115

RESOLUTION APPOINTING MEMBERS TO THE HAYWOOD STREET ADVISORY TEAM

WHEREAS, on March 8, 2016, City Council appointed representatives from several organizations to form a Haywood Street Advisory Team for a public visioning process and implementation plan; and

WHEREAS, as a part of the Haywood Street Advisory Team, City Council is to appoint three at-large members;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

David Nutter, 169 Flint Street, Asheville, North Carolina, be and he is hereby appointed as a member of the Haywcod Street Advisory Team until the completion of the public visioning process and implementation plan.

Susan Andrew, 419 Beaucatcher Road, Asheville, North Carolina, be and she is hereby appointed as a member of the Haywood Street Advisory Team until the completion of the public visioning process and implementation plan.

Geronimo Owen, 68 Garden Circle, Asheville, North Carolina, be and he is hereby appointed as a member of the Haywood Street Advisory Team until the completion of the public visioning process and implementation plan.

Read, approved and adopted this 17th day of May, 2016.

Magdalen Burleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION NO. 16-116

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A LETTER OF INTENT TO THE TOURISM DEVELOPMENT AUTHORITY (TDA) AND AUTHORIZATION TO REQUEST $20 M IN FUNDING FOR SOUTH SLOPE IMPROVEMENTS OVER THE NEXT 7 YEARS TO INCLUDE COMPLETE STREET IMPROVEMENTS, PEDESTRIAN AND BIKE IMPROVEMENTS AT THE INTERSECTION OF BILTMORE AVENUE AND CHARLOTTE STREET, GATEWAY TO THE SOUTH SLOPE AND A PARKING DECK CONSTRUCTED WITH INNOVATIVE RENEWABLE ENERGY SOURCES.

WHEREAS, the City of Asheville's Vision includes creating multimodal opportunities; and

WHEREAS, the Asheville In Motion (AIM) plan prioritizes reconstructing Biltmore Avenue, Lexington Avenue, and Coxe Avenue as complete streets to include improved pedestrian, bike and transit options; and

WHEREAS, the City of Asheville adopted the South Slope Innovation District in 2014 for the purposes of creating a vibrant area for people to connect, work, and play; and

WHEREAS, the Tourism Development Authority has developed a process to obtain multi-year funding for capital improvements that meet shared objectives; and

WHEREAS, the plan includes the construction of a parking deck that would include innovative renewable energy generation and storage. This parking deck would serve for gaining access to the future Beaucatcher and Town Branch greenways; and

WHEREAS, the City has the potential to leverage $30 million in funding with $1 million investment from the general fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council authorizes the City Manager to submit a letter of intent to the Tourism Development Authority (TDA) and to request $20 million in funding for South Slope improvements over the next 7 years to include complete street improvements, pedestrian and bike improvements at the intersection of Biltmore Avenue and Charlotte Street, gateway to the South Slope and a parking deck constructed with innovative renewable energy sources.

Read, approved and adopted this 17th day of May, 2016.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 16- 117

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO AND ACCEPT FEDERAL FUNDING FROM THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION

WHEREAS, pursuant to 160A-17.1, local governments are authorized to make contracts for and to accept grants-in-aid and loans from the federal and state governments and their agencies; and

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has opened a call for projects for federal Surface Transportation Program (STP) funds and Transportation Alternatives Program (TAP) funding sources; and

WHEREAS, the City of Asheville has identified projects which are eligible for this funding; and

WHEREAS, if any of these projects are funded, local matching funds will be required; and

WHEREAS, if any of these projects are funded, agreements can be expected to be required from the granting and administering agencies prior to receipt of the grant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council of the City of Asheville hereby authorizes the City Manager to apply to the French Broad River MPO for STP-DA and TAP funding.

2. The City Council of the City of Asheville intends to provide the required local match if grant funding is awarded.

3. The City Council of the City of Asheville hereby authorizes the City Manager to sign and execute agreements between granting or administering agencies and the City of Asheville to accept the grant(s) and approve the projects.

Read, approved and adopted this 17th day of May, 21016.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

48

RESOLUTION NO. 16-118

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A PRELIMINARY AND FINAL GRANT APPLICATION TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR THE 2016 TOURISM PRODUCT DEVELOPMENT FUND CYCLE

WHEREAS, the Buncombe County TDA opens their 2016 grant funding cycle in June 2016; and

WHEREAS, the City of Asheville has identified a U.S. Cellular Center renovation project that will add new and incremental room nights and meets the goals and requirements iterated by the grant guidelines; and

WHEREAS, City Council has identified the need to maintain and improve the City's infrastructure in a fiscally responsible manner;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to submit a preliminary and final grant application to the Buncombe County Tourism Development Authority for the 2016 Tourism Product Development Fund cycle, and accept if awarded.

Read, approved and adopted this the 17th day of May, 2016.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-119

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE PURPOSE OF EXPANDING RECYCLING ACCESSIBILITY IN PUBLIC HOUSING COMMUNITIES

WHEREAS, pursuant to G.S. 160A-17.1 the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, the City of Asheville is committed to reducing waste and increasing recycling and has an opportunity to expand recycling availability to the Deaverview and Hillcrest public housing communities; and

WHEREAS, the City of Asheville applied for and was awarded a grant totaling $24,844 through NCDEQ's Community Waste Reduction and Recycling grant opportunity;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept grant funding of $24,844 from the North Carolina Department of Environmental Quality to expand recycling services to two public housing communities.

Read, approved and adopted this 17th day of May, 2016.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

50

RESOLUTION NO. 16-120

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE APPALACHIAN REGIONAL COMMISSION TO CONDUCT THE ENTREPRENEURIAL IMPACT OF OUTDOOR SPECIAL EVENTS QUANTITATIVE RESEARCH STUDY & MODEL DEVELOPMENT PROJECT

WHEREAS, the City has authority pursuant to N.C.G.S. § 160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, City Council adopted a resolution on August 25, 2015 authorizing an application for grant funding assistance for the Entrepreneurial Impact of Outdoor Special Events quantitative research study and model development project, and

WHEREAS, the grant includes a dollar for dollar match to be provided by the City of Asheville using existing funds within the Community and Economic Development budget;

WHEREAS, the Appalachian Regional Commission has awarded Asheville a grant in the amount of $25,000 to conduct the project as proposed, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with the Appalachian Regional Commission for a grant in the amount of $25,000.00 to conduct a strategic research study and model development project on the entrepreneurial impact of outdoor special events.

Read, approved and adopted this 17 day of May 2016.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 16- 121

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT MOUNTAIN SPORTS FESTIVAL ON THE DATES FRIDAY, MAY 27, 2016 FROM 4:00 PM – 10:00 PM, SATURDAY, MAY 28, 2016 FROM 10:00 AM – 10:00 PM AND SUNDAY, MAY 29, 2016 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Mountain Sports Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Mountain Sports Festival event area, as set forth in Exhibit A, attached.

   The Mountain Sports Festival event area is within the boundaries of Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Mountain Sports Festival on Friday, May 27, 2016 from 4:00 p.m. – 10:00 p.m., Saturday, May 28, 2016 from 10:00 a.m. – 10:00 p.m. and Sunday, May 29, 2016 from 12:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Mountain Sports Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Mountain Sports Festival event

area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Mountain Sports Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 17th day of May, 2016.

Magdalen Bowlson
CITY CLERK

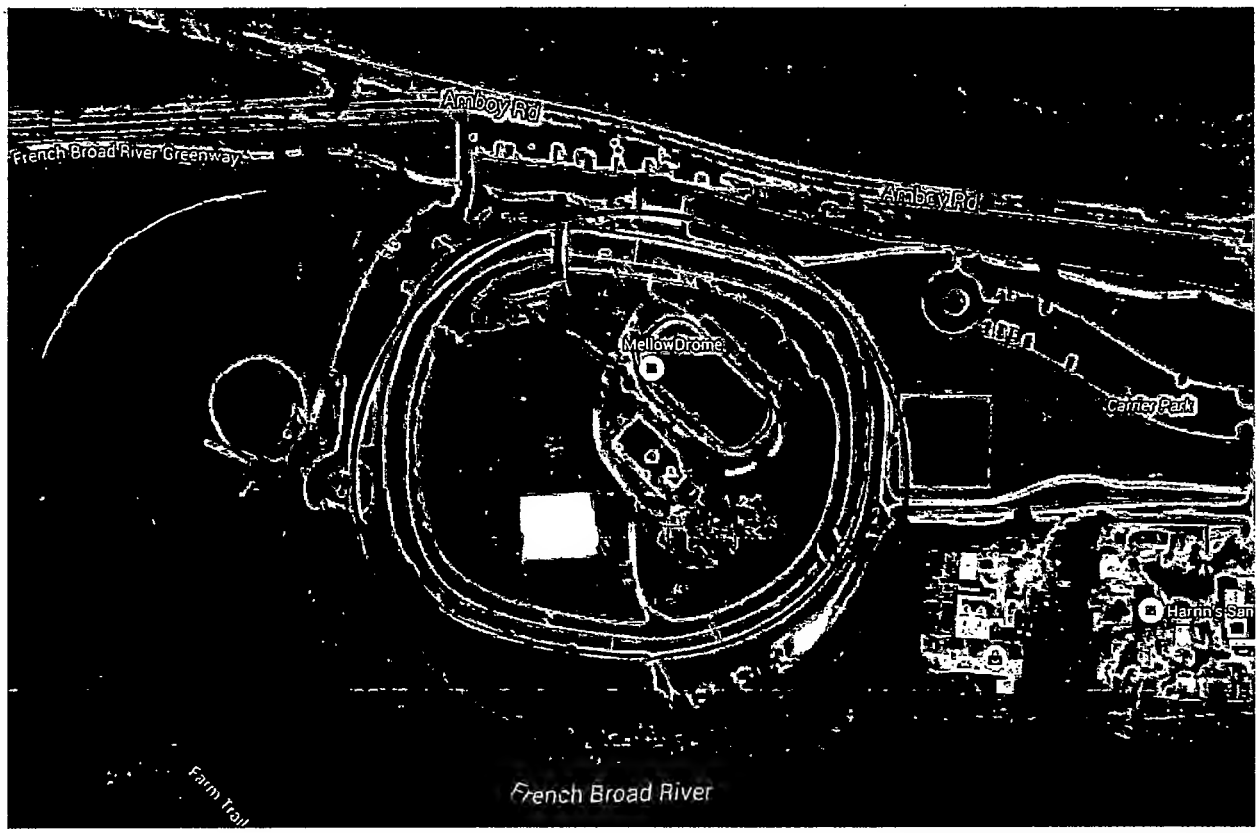
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

EXHIBIT A


Amboy Rd
French Broad River Greenway
Amboy Rd
Mellow Drome
Carney Park
Harrin's San
Farm Trail
French Broad River

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RESOLUTION NO. 16- 122

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE COMMUNITY CONCERT ON THE DATE OF SATURDAY, JUNE 11, 2016 FROM 6:00 PM – 9:30 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Community Concert.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Community Concert event area, as set forth in Exhibit A, attached.

   The Community Concert event area is within the boundaries of the Roger McGuire Green and Reuter Terrace at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Community Concert on Saturday, June 11, 2016 from 6:00 p.m. – 9:30 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Community Concert event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Community Concert event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Community Concert, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 17th day of May, 2016.

Magdalen Bulleson
CITY CLERK

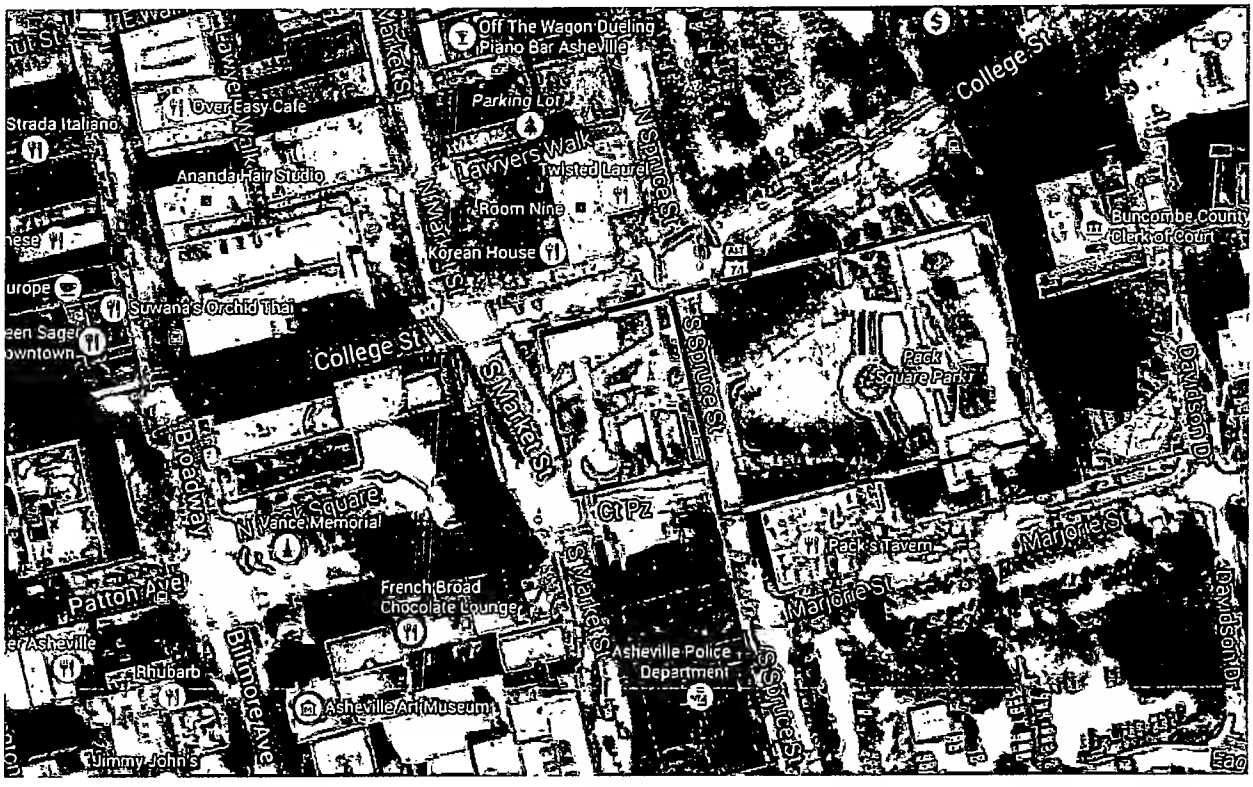
Edgar E. Hunter
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

EXHIBIT A


Off The Wagon Dueling Piano Bar Asheville
Parking Lot
Over Easy Cafe
Strada Italiano
Lawyers Walk
Twisted Laurel
Ananda Fair Studio
Room Nine
Korean House
College St
Buncombe County Clerk of Court
Suwana's Orchid Thai
Pack Square Park
S Market St
S Spruce St
Broadway
Vance Memorial
Ct Pz
Pack's Tavern
Patton Ave
French Broad Chocolate Lounge
Asheville Police Department
Rhubarb
Asheville Art Museum
Jimmy John's
Biltmore Ave
Davidson Dr

RESOLUTION NO. 16- 123

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INGLES INDEPENDENCE DAY CELEBRATION ON THE DATE OF MONDAY, JULY 4, 2016 FROM 12:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Ingles Independence Day Celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Ingles Independence Day Celebration event area, as set forth in Exhibit A, attached.

   The Ingles Independence Day Celebration event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Ingles Independence Day Celebration on Monday, July 4, 2016 from 12:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Ingles Independence Day Celebration event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Ingles Independence

Day Celebration event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Ingles Independence Day Celebration, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 17th day of May, 2016.

Magdalen Bullion
CITY CLERK

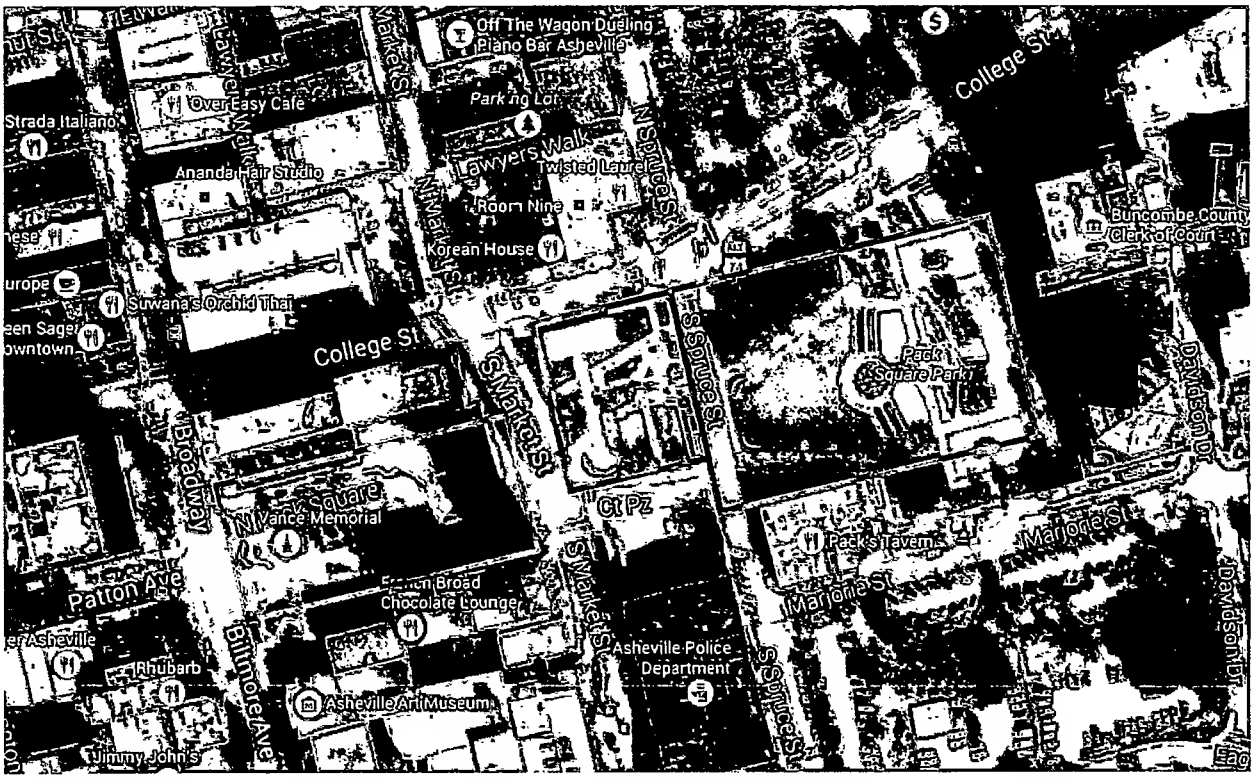
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

EXHIBIT A


Off The Wagon Dueling Piano Bar Asheville
Parking Lot
Lawyers Walk
Twisted Laurel
Room Nine
Korean House
Over Easy Cafe
Strada Italiano
Ananda Hair Studio
Suwanas Orchid Thai
College St
S Market St
S Spruce St
Pack Square Park
Buncombe County Clerk of Court
Davidson Dr
Broadway
Vance Memorial
Ct Pz
Pack's Tavern
Marjorie St
Patton Ave
Chocolate Lounge
Asheville Police Department
Rhubarb
Asheville Art Museum
Biltmore Ave
Jimmy John's

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RESOLUTION NO. 16-124

RESOLUTION AMENDING THE COMPOSITION OF THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, the voting members of the Citizens-Police Advisory Committee (CPAC) currently includes the following: five representatives of the north, east, south, west and central areas of the City; Chair of the Asheville-Buncombe Community Relations Council (ABCRC); Asheville Housing Authority Chair or designee; and two ad-hoc members appointed by CPAC; and

WHEREAS, as a result of the February 29, 2016, official dissolution of ABCRC, the CPAC seat dedicated to the ABCRC Chair no longer exists; and

WHEREAS, Council believes it is in the City's best interests to convert the ABCRC seat to one dedicated to a resident of property owned by the Asheville Housing Authority appointed through the Council appointment process; and

WHEREAS, the two ad hoc members of CPAC are currently appointed by the CPAC without terms; and

WHEREAS, Council believes it is in the City's best interest that two ad hoc seats of CPAC be at-large seats appointed by City Council with three-year terms;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The composition of the CPAC be amended to (1) have the ABCRC seat converted to one dedicated to a resident of property owned by the Asheville Housing Authority; and (2) the two current ad hoc members become at-large seats appointed by City Council with three-year terms.

Read, approved and adopted this 17th day of May, 2016.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 16 -125

RESOLUTION ADOPTING THE ASHEVILLE IN MOTION PLAN, CITY OF ASHEVILLE MOBILITY PLAN

WHEREAS, the Asheville City Council supports the development of multimodal transportation options that encourage walking, biking and riding transit, and where people of Asheville can live an active and healthy life style; and

WHEREAS, the City is in need of a strategy to develop and prioritize a multimodal network and allocate funding; and

WHEREAS, the City hired Kimley-Horn, Inc. to develop the Asheville in Motion Plan; and

WHEREAS, the Asheville in Motion Plan was developed based on data analysis, robust public input and participation; and

WHEREAS, the AIM plan takes into consideration the uniqueness of the city's urban context and the interaction with the road network; and

WHEREAS, the AIM Plan stablishes a vision for multimodal transportation improvements that provides enhanced mobility options to the citizens of Asheville and develops a cohesive strategy to prioritize transportation projects and multimodal improvements;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville in Motion Plan is hereby adopted as the multimodal transportation plan for the City of Asheville.

Read, approved and adopted this 17th day of May, 2016.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

62

RESOLUTION NO. 16-126

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS WITH CHERRY BEKAERT LLP FOR AUDITING SERVICES FOR FISCAL YEAR 2015-2016 AND PENSION CENSUS DATA TESTING FOR CALENDAR YEAR 2015

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S. 159-34; and

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, City Council's Financial Policies state that the City "shall enter into multiyear agreements of not more than five years in duration through a series of single-year contracts as consistent with applicable legal requirements"; and

WHEREAS this is the fourth year of contracting with Cherry Bekaert LLP following a Request for Proposal for Audit Services process conducted in the fiscal year ended June 30, 2013, which resulted in the selection of Cherry Bekaert LLP as external auditors; and

WHEREAS, Cherry Bekaert LLP has submitted an engagement letter and contract pursuant to *Government Auditing Standards* and the requirements of the Commission to provide audit services to the City Council for fiscal year 2015-2016; and

WHEREAS, the City Council desires that the City's fiscal year 2015-2016 audit service contract be awarded to the firm Cherry Bekaert LLP; and

WHEREAS, funds are included in the Finance Department's budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with Cherry Bekaert LLP in the amount of $88,000 for auditing services for fiscal year 2015-2016.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16- 127

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO STRATEGIC EVENT PARTNERSHIP AGREEMENTS WITH THE ASHEVILLE DOWNTOWN ASSOCIATION, APPALACHIAN SUSTAINABLE AGRICULTURE PROJECT, LEAF, COMMUNITY BETTERMENT FOUNDATION/FOLK HERITAGE COMMITTEE, RIVERLINK, ASHEVILLE AREA ARTS COUNCIL, MOUNTAIN SPORTS FESTIVAL, AND 5 POINT FILM FESTIVAL AND CONTINUING FEE REDUCTIONS TO SPECIAL EVENTS PRODUCED BY 501C NON-PROFIT ORGANIZATIONS

WHEREAS, the City of Asheville acknowledges the significant value in festival and special event partnerships that further economic and community development initiatives; and

WHEREAS, the City has historically offered in-kind support to organizations that produce special events and festivals that meet certain criteria; and

WHEREAS, the Asheville Downtown Association, Appalachian Sustainable Agriculture Project, LEAF, Community Betterment Foundation/Folk Heritage Committee, RiverLink, Asheville Area Arts Council, Mountain Sports Festival and 5 Point Film Festival submitted proposals to work in partnership with the City on a scope of work designed to promote an environment for investment, support entrepreneurship, the arts/creative economy, attract outside spending, raise funds for local charities, increase cultural understanding and promote a high quality of life within the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to approve a resolution permitting the Community & Economic Development department to execute strategic event partnership agreements with the Asheville Downtown Association, Appalachian Sustainable Agriculture Project, LEAF, Community Betterment Foundation/Folk Heritage Committee, RiverLink, Asheville Area Arts Council, Mountain Sports Festival and 5 Point Film Festival at an in-kind maximum value of $173,364 for year 1, $151,864 for year 2, and $151,864 for year 3, and the continuation of discounts to registered 501c non-profit organizations at a rate of 75% off standard property use and permit fees for outdoor special events that are open to the public and produced on public property.

2. Under the terms of the strategic event partnership agreement, the Community & Economic Development department and each non-profit organization will specify annual performance goals and objectives within the agreement for the first year and repeatedly for the continuation of the partnership for subsequent two years.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Burleson
City Clerk

Edwin C. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 16-128

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PINNACLE LANDSCAPE, LLC FOR GROUNDS MAINTENANCE SERVICES AT PACK SQUARE PARK, GRACE'S GARDEN AND PRITCHARD PARK FOR A TWELVE (12) MONTH PERIOD WITH AN OPTION FOR TWO (2), TWELVE (12) MONTH RENEWALS BASED ON CONTRACTOR PERFORMANCE.

WHEREAS, the Parks and Recreation Department issued an Advertisement for Bids for grounds maintenance services at Pack Square Park, Grace's Garden and Pritchard Park. Pinnacle Landscape, LCC was the lowest responsive and responsible bidder for a total of $139,915.00; and

WHEREAS, the contract will be for a twelve (12) month period with the option for two (2), twelve (12) month period based on contractor performance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to enter into a contract with Pinnacle Landscape, LCC to provide grounds maintenance services at Pack Square Park, Grace's Garden and Pritchard Park in the amount of $139,915 plus a contingency of $15,000 for a total of $154,915 for a twelve (12) month period with an option for two (2), twelve (12) month renewals based on contractor performance.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16 - 129

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ADOPT-A-PARK AGREEMENT WITH JUST FOLKS THAT INCLUDES A WAIVER OF PARK USE, TENT USE, AND FIRE PERMIT FEES FOR FISCAL YEAR 2016-2017

WHEREAS, the City of Asheville has entered into an Adopt-a-Park Agreement with Just Folks to promote positive activities that reduce nuisance behaviors in and around the Triangle Park area; and

WHEREAS, the programs and events organized by Just Folks focus on community-building and have improved the appearance of the park, making it more attractive to downtown visitors and community members; and

WHEREAS, Just Folks is providing quality cultural programming and diversity in a city park not generally used for this purpose; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign the Adopt-a-Park agreement with Just Folks to waive park use, tent use, and fire permit fees up to $3,058 for FY 2016-2017 for the use of Triangle Park for community-building events that benefit the Eagle/Market Streets area and the community.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 16- 130

RESOLUTION APPOINTING A MEMBER TO THE MILLS RIVER PARTNERSHIP BOARD OF DIRECTORS

WHEREAS, the City of Asheville has a unfilled seat on the Board of Directors for the Mills River Partnership;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Marc Hunt, 55 Cambridge Road, Asheville, N.C., be and he is hereby appointed as a member to the Mills River Partnership Board of Directors to serve a three-year terms, term to expire June 14, 2019, or until his successor has been appointed.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-131

RESOLUTION RE-AFFIRMING RESOLUTION NO. 15-104 (June 9, 2015) APPROVING THE ISSUANCE OF UP TO $10,000,000 MULTIFAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR SPRUCE HILL APARTMENTS TO SATISFY SECTION 147(f) OF THE INTERNAL REVENUE CODE

WHEREAS, on June 9, 2015, the City Council of the City of Asheville adopted Resolution No. 15-104, approving the issuance by the Housing Authority of the City of Asheville, NC ("Issuer") of its multifamily housing revenue bonds in an amount not to exceed $10,000,000 (the "Bonds") to finance, in part, the costs of acquisition, rehabilitation and equipping by Affordable Housing Group III LLC, a Washington limited partnership, or an affiliated or related entity (the "Borrower"), of Spruce Hill, a 174 unit, mixed income, multifamily residential development (the "Development"), for purposes of Section 147(f) of the Code; and

WHEREAS, the City has been informed by the Issuer's Counsel, that the Code requires that bonds of the Housing Authority approved by the City pursuant to Section 147(f) of the Code must be issued within one year of the date of such approval and that the previously approved Bonds have not yet been issued; and

WHEREAS, the City has also been informed that the financing process has taken longer than anticipated but is now expected to close in late June, 2016; and

WHEREAS, the Issuer's Counsel has confirmed that the plans for the Spruce Hill Development are the same as represented to the City Council in June 9, 2015 Staff Report; and

WHEREAS, it is understood, that the approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Issuer, or to constitute the Bonds or any of the agreements or obligations of the Issuer an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

1. The City re-affirms that the proposed issuance by the Housing Authority of the City of Asheville of its multifamily housing revenue bonds in an amount not to exceed $10,000,000 to finance, in part, the costs of acquisition, rehabilitation and equipping of the Development described above by the Borrower is approved for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately.

Read, approved and adopted this the 14th day of June, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16- 132

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE KRUGER BROTHERS CONCERT PRE-RECEPTION ON THE DATE OF FRIDAY, JUNE 24, 2016 FROM 5:00 PM – 9:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Kruger Brothers Concert Pre-Reception.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Kruger Brothers Concert Pre-Reception event area, as set forth in Exhibit A, attached.

   The Kruger Brothers Concert Pre-Reception event area is within the boundaries of Church Street between the intersections of Commerce Street and Aston Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Kruger Brothers Concert Pre-Reception on Friday, June 24, 2016 from 5:00 p.m. – 9:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Kruger Brothers Concert Pre-Reception event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Kruger Brothers Concert Pre-Reception event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Kruger Brothers Concert Pre-Reception, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bollinson
CITY CLERK

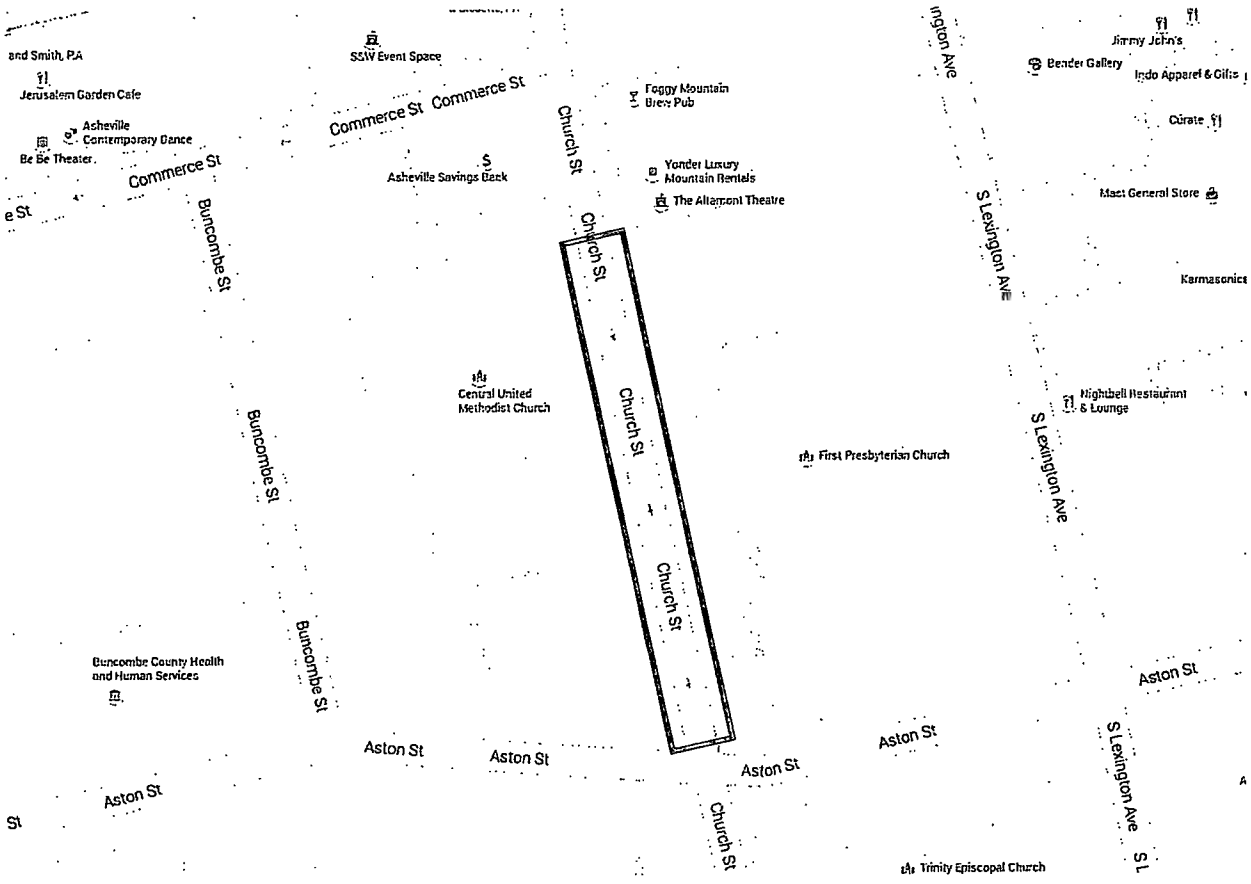
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bollinson
City Clerk

EXHIBIT A


and Smith, PA
Jerusalem Garden Cafe
Asheville Contemporary Dance
Be Be Theater
SSW Event Space
Commerce St
Commerce St
Commerce St
Asheville Savings Bank
Foggy Mountain Brew Pub
Yonder Luxury Mountain Rentals
The Altamont Theatre
Church St
Church St
Church St
Church St
Buncombe St
Buncombe St
Buncombe St
Central United Methodist Church
First Presbyterian Church
Buncombe County Health and Human Services
Aston St
Aston St
Aston St
Aston St
Aston St
Aston St
Church St
Trinity Episcopal Church
S Lexington Ave
S Lexington Ave
S Lexington Ave
Jimmy John's
Bender Gallery
Indo Apparel & Gifts
Curate
Mast General Store
Karmasonics
Nightbell Restaurant & Lounge

RESOLUTION NO. 16- 133

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BEAT THE HEAT ON THE DATE OF FRIDAY, JULY 22, 2016 FROM 6:00 PM – 8:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Beat the Heat.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beat the Heat event area, as set forth in Exhibit A, attached.

   The Beat the Heat event area is within the boundaries of the WNC Nature Center, located at 75 Gashes Creek Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Beat the Heat on Friday, July 22, 2016 from 6:00 p.m. – 8:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Beat the Heat event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Beat the Heat event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Beat the Heat, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bullock
CITY CLERK

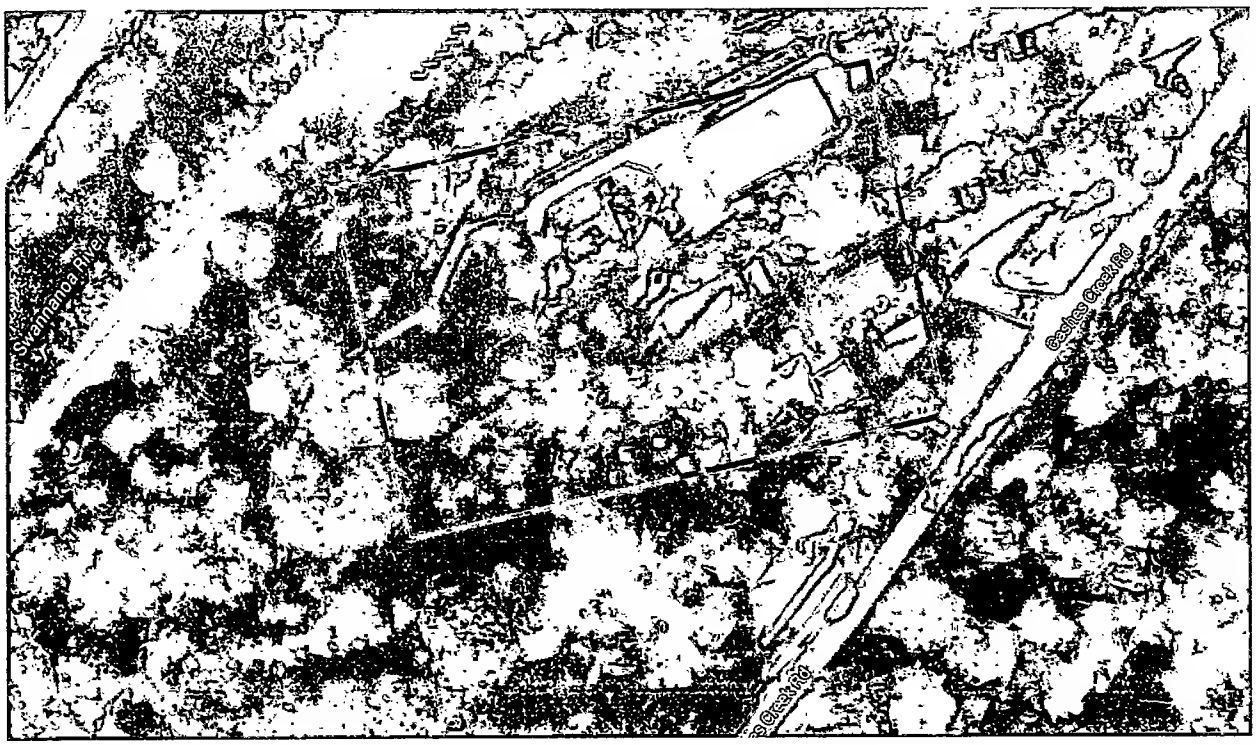
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

EXHIBIT A



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RESOLUTION NO. 16- 134

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE RUNNING EXPERIENCE ON THE DATE OF SATURDAY, AUGUST 20, 2016 FROM 7:00 AM – 8:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Running Experience.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Running Experience event area, as set forth in Exhibit A, attached.

   The Asheville Running Experience event area is within the boundaries of Coxe Avenue between the intersections of Hilliard Avenue and Banks Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Running Experience on Saturday, August 20, 2016 from 7:00 a.m. – 8:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Running Experience event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Running Experience event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville Running Experience, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bullion
CITY CLERK

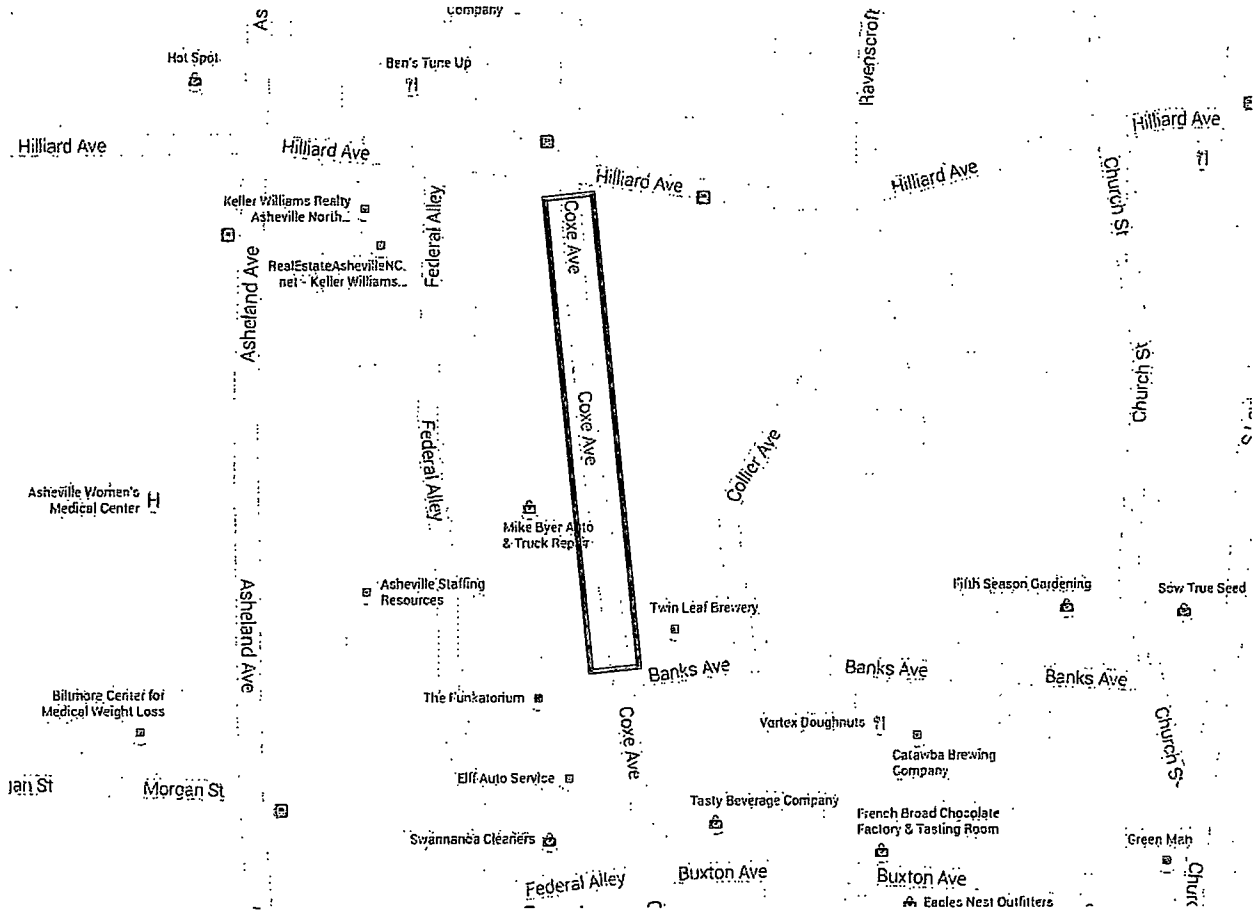
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

EXHIBIT A


Company
Hot Spot
Ben's Tune Up
Ravenscroft
Hilliard Ave
Hilliard Ave
Hilliard Ave
Hilliard Ave
Hilliard Ave
Church St
Keller Williams Realty Asheville North
RealEstateAshevilleNC.net - Keller Williams...
Federal Alley
Coxe Ave
Coxe Ave
Asheland Ave
Church St
Federal Alley
Collier Ave
Asheville Women's Medical Center
Mike Byer Auto & Truck Repair
Asheville Staffing Resources
Twin Leaf Brewery
Fifth Season Gardening
Sow True Seed
Asheland Ave
Banks Ave
Banks Ave
Banks Ave
Biltmore Center for Medical Weight Loss
The Funkatorium
Coxe Ave
Vortex Doughnuts
Catawba Brewing Company
Church St
Jan St
Morgan St
Elf Auto Service
Tasty Beverage Company
French Broad Chocolate Factory & Tasting Room
Swannanoa Cleaners
Green Man
Federal Alley
Buxton Ave
Buxton Ave
Eagles Nest Outfitters

RESOLUTION NO. 16 – 135

RESOLUTION AMENDING THE CITY OF ASHEVILLE STANDARD SPECIFICATIONS AND DETAILS MANUAL

WHEREAS, the City Council of the City of Asheville previously approved a Standard Specifications and Details Manual on May 13, 2014 (Resolution 14-95), as amended on June 9, 2015; and

WHEREAS, the purpose of the Manual is to provide design guidelines and technical specifications for construction activities related to streets, sidewalks, water systems, storm drainage, parking lots, and pavement structure; and

WHEREAS, the Manual sets forth the City's minimum construction standards and is applicable to projects on both public and private property; and

WHEREAS, the Manual is intended to be periodically updated so that it continues to reflect generally accepted professional technical standards and specifications and City policies; and

WHEREAS, the Manual sets forth a process by which a developer/property owner may request and be granted an alternation, modification or waiver of the Manual's requirements; and

WHEREAS, an amendment to the Manual is necessary to clarify that projects which are granted an alteration, modification or waiver under this process set forth in the Manual are deemed to be in compliance with the requirements of this Manual, with respect to the provision(s) so altered, modified or waived;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville approves a resolution amending the City's Standard Specifications and Details Manual as set forth on the attachment hereto.

Read, approved, and adopted this 14th day of June 2016.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

1A.09 Other Standards and Requirements

This Manual describes the minimum requirements and specifications for designing adequate and functional improvements. However, the design of the improvements also depends on the land use, zoning and comprehensive planning requirements for the City, as well as the specific site geography of the land to be improved or developed.

The City's review for approval of public and private improvements occurs as part of the development review process that distributes design applications to staff in multiple departments, divisions, and agencies as described in "Section 2 - Plan Review and Approval".

1A.10 Alternative Materials and Methods of Construction and Installation

The provisions of this Manual are not intended to prevent the use of any materials or methods of construction and installation not specifically prescribed in the Manual, provided that the alternative materials or methods of construction and installation have been approved and their use authorized by the City Engineer or his/her designee.

The City Engineer or his/her designee may approve an alternate material or method of construction or installation, provided the proposed design is satisfactory and complies with the provisions of this Manual and that the material, method, or work offered is, for the purpose intended, at least the equivalent of applicable requirements described in this Manual in suitability, strength, effectiveness, durability, safety, and sanitation.

The City Engineer or his/her designee will require that sufficient evidence be submitted to substantiate any claims that may be made regarding an alternate material or method of construction. The details of any action granting approval of an alternate material or method will be recorded and entered in the files of the City.

A formal process is established for requesting, evaluating and approving any alteration, modification or waiver of the requirements of this Manual in the following section.

1A.11 Alterations, Modifications and Waivers

Alterations, modifications or waivers of the requirements of this Manual may be requested. Projects which are granted an alteration, modification or waiver under this process are deemed to be in compliance with the requirements of this Manual with respect to the provision(s) so altered, modified or waived. The following procedures shall be utilized in such requests.

1A.11a Review Criteria. No alteration, modification, or waiver of the strict application of any provision of this Manual shall be granted unless the applicant demonstrates and the City Engineer or his/her designee finds that:

1. the alteration, modification, or waiver would result in a solution consistent with the goals of the City of Asheville as established in adopted plans, policies and guidelines;
2. the alteration, modification, or waiver will not harm the adjacent land owners, the neighborhood, or the welfare of the public at large;
3. the alteration, modification, or waiver is consistent with sound engineering practices and will at least equal the suitability, strength, effectiveness, fire resistance, durability, safety, and other performance requirements prescribed in this Manual; and
4. the alternation, modification, or waiver will not create an additional maintenance or financial burden for the City or the public.

RESOLUTION NO. 16-136

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUNCOMBE COUNTY FOR TWO CRIME PREVENTION PROGRAMS COORDINATED BY COUNTY CONTRACTOR SPARC NETWORK, LLC, AND INVOLVING THE WORK OF THE COMMUNITY BASED GROUP, CHANGING TOGETHER

WHEREAS, the Asheville Police Department (APD) has received a request for $35,000 in one-time funding from the community-based group, Changing Together (CT) to help offset the loss of the program's primary grant funding; and

WHEREAS, Changing Together works in collaboration with APD to coordinate the Violent Criminal Initiative (VCI) and the Domestic Violence Intimate Partner (DVIP) Initiative in identifying subjects that could benefit from community accountability meetings referred to as "Call Ins;" and

WHERAS, the Changing Together program is housed under the SPARC Network, LLC which provides contracted programming for Buncombe County Health and Human Services. The proposed agreement would be between the City of Asheville and Buncombe County and would rely upon the performance measures currently assessed by the County;

NOW THERFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign an agreement with Buncombe County for one-time funding, in the amount of $35,000, for two crime prevention programs coordinated by the County Contractor, SPARC Network, LLC and involving the work of the community-based group, Changing Together.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-137

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH 4 SEASONS SITE & DEMO INC. FOR THE PROJECT KNOWN AS 33 & 35 PAGE AVENUE DEMOLITION

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as 33 & 35 Page Avenue Demolition, City of Asheville Project # ED-15-16-001; and

WHEREAS, 4 Seasons Site & Demo Inc. of Wilmington NC was the lowest responsible bidder for the project, and

WHEREAS, 4 Seasons Site & Demo Inc. shall provide all labor, materials and equipment for the demolition of 33 & 35 Page Avenue; and

WHEREAS, the amount of the agreement is $98,788.00 and the monies have been budgeted in the Capital Projects 2015-2016 Fiscal Year Budget; and,

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute, on behalf of the City of Asheville, a contract in the amount of $98,788 plus a contingency of 16.4% ($16,212) with 4 Seasons Site & Demo Inc. for the project known as 33 & 35 Page Avenue Demolition, City of Asheville Project # ED-15-16-001, and further authorized to execute any change orders to said contract which may arise during demolition of said building up to the budgeted amount of $115,000.

Read, approved and adopted this the 14th day of June, 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION 16-138

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING AGREEMENT TO FINANCE VEHICLES AND EQUIPMENT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the *"City Council"*) has determined that it is in the best interest of the City to enter into an installment financing agreement (the *"Contract"*) with Wells Fargo Bank, National Association (the *"Bank"*) in order to pay the capital costs of the acquisition and installation of vehicles and general governmental equipment (collectively, the *"Projects"*), and to put a security interest in the Projects in favor of the Bank in order to provide security for the City's obligations under the Contract;

WHEREAS, the City will enter into the Contract in an aggregate principal amount of not to exceed $5,520,000;

WHEREAS, there have been made available to the City Council the form of the Contract which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Contract; and

WHEREAS, it appears that the Contract is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Ratification of Prior Actions.*** All actions of the City, the City Manager, the City Attorney, the City Purchasing Director, the Chief Financial Officer and the City Clerk and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract.

Section 2. ***Approval, Authorization and Execution of Contract.*** The City hereby approves the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with their terms. The City hereby approves the amount advanced by the Bank to the City pursuant to the Contract in an aggregate principal amount not to exceed $5,520,000, such amount to be repaid by the City to the Bank as provided in the Contract. The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the City Manager, the City Attorney, the Chief Financial Officer and the City Clerk or their respective designees (each a *"Designated Representative"*), individually or collectively, are authorized, empowered and directed to execute and deliver the Contract for and on behalf of the City, including necessary counterparts, in substantially the form made available to the City Council, but with such changes, modifications, additions

or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract, each Designated Representative is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. ***Further Actions.*** Each Designated Representative is hereby designated as the City's representatives to act on behalf of the City in connection with the transactions contemplated by the Contract, and the Designated Representatives are authorized and directed to proceed with the Projects in accordance with the terms of the Contract, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Designated Representatives are hereby authorized to designate one or more employees of the City to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Contract. The Designated Representatives are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Contract or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 4. ***Repealer.*** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 5. ***Severability.*** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. ***Effective Date.*** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bullson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bullson
City Clerk

RESOLUTION NO. 16-139

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH VAUGHN & MELTON CONSULTING ENGINEERS FOR THE PROJECT KNOWN AS HENDERSONVILLE ROAD (US 25) SIDEWALK IMPROVEMENTS PROJECT, CITY OF ASHEVILLE PROJECT #ENG-12-13-015

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, requests for qualifications were solicited for the project known as Hendersonville Road (US 25) Sidewalk Improvements Project; and

WHEREAS, Vaughn & Melton Consulting Engineers was selected following a thorough review and evaluation process; and

WHEREAS, Vaughn & Melton Consulting Engineers and their sub-consultants shall provide all labor, material, equipment, etc. for construction phase inspection and testing services during the installation of new sidewalk, retaining walls, various drainage structures, a new pedestrian boardwalk, new pedestrian crossing signal facilities, etc.; and

WHEREAS, the amount of the Agreement is $192,698.76 and the monies have been budgeted in the City's adopted Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Vaughn & Melton Consulting Engineers for $192,698.76 plus 20% contingency for construction inspection and testing services for the project known as Hendersonville Road (US 25) Sidewalk Improvements Project, City of Asheville Project #ENG-12-13-015, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount of $231,238.51, pending concurrence with award by the North Carolina Department of Transportation.

Read, approved and adopted this the 14th day of June, 2016.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 16-140

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH DAVENPORT ENGINEERING, INC FOR ADDITIONAL CONSTRUCTION DOCUMENTS AND SPECIFICATIONS FOR THE LIVINGSTON COMPLETE STREET PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, a Request for Qualifications was issued on April 2, 2015 for construction drawings and documents, and Davenport Engineering, Inc. was selected following a thorough staff review and evaluation; and

WHEREAS, City Council on June 23, 2015 City Council authorized the City Manager to enter into a contract with Davenport Engineering, Inc. to prepare construction drawings and documents for the Livingston Complete Street Project in the original amount of $250,000; and

WHEREAS, the City Council has approved funding via the Capital Improvement Project budget for Stormwater and Greenways;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the existing contract on behalf of the City of Asheville with Davenport Engineering, Inc. in an additional amount of $8,000 plus a contingency of 14% of the amended contract amount ($37,000) for the Livingston Complete Street Project and further authorized to execute any change orders to said contract or documents which may arise during design of said project up to the budgeted amount.

Read, approved and adopted this the 14 day of June, 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-141

RESOLUTION AMENDING THE 2016 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings; and

WHEREAS, on December 8, 2015, City Council adopted Resolution No. 14-225 cancelling the August 9 meeting; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. A worksession on a bond referendum has been scheduled for Monday, June 20, 2016, at 3:00 p.m. in Room 623 of City Hall.

2. A worksession on a bond referendum has been scheduled for Tuesday, June 28, 2016, at 10:00 a.m. in the 4th Floor Training Room of the Municipal Building.

3. A formal meeting is hereby scheduled on Tuesday, July 5, 2016, beginning at 5:00 p.m. in the Council Chamber, Second Floor of City Hall. (Note: The July 12, 2015, City Council meeting has been previously cancelled.)

4. The formal meeting previously cancelled on August 9, 2016, is hereby re-established. Said meeting will be held beginning at 5:00 p.m. in the Council Chamber, Second Floor of City Hall.

5. The formal meeting scheduled on August 23, 2016, is hereby cancelled.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

86

RESOLUTION NO. 16-142

RESOLUTION APPOINTING A MEMBER TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

WHEREAS, the term of Stephanie Brown, as a member of the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority, expires on June 30, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Stephanie Brown, Post Office Box 1010, Asheville, N.C., be and she is hereby reappointed as a member of the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority, to serve a four-year term, term to expire on June 30, 2020, or until her successor has been appointed.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16-143

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, on May 17, 2016, City Council amended the composition of the Citizens-Police Advisory Committee to (1) convert the Asheville-Buncombe Community Relations Council seat to a seat dedicated to a resident of property owned by the Housing Authority; and (2) convert the two current ad hoc member seats to at-large seats appointed by City Council with three-year terms.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Allison Scott, 300 S. Skyloft Drive, Asheville, N.C. be and she is hereby appointed as an at-large member to the Citizens-Police Advisory Committee, to serve a three-year term, term to begin immediately and expire June 30, 2019, or until her successor has been appointed.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 16-144

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, the terms of David Nutter and Woody Farmer, as members on the Asheville-Buncombe Historic Resources Commission, will expire on July 1, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Woody Farmer, 230 Pearson Drive, Asheville, North Carolina, be and he is hereby reappointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve an additional three-year term, term to expire on July 1, 2019, or until his successor has been appointed.

(2) Mr. Craig Cline, 10 Sunset Terrace, Asheville, North Carolina, be and he is hereby appointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve a three-year term, term to expire on July 1, 2019, or until his successor has been appointed.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bowlson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-145

RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the terms of DeWayne Barton (representing 28806 or 28728 zip code) and Teddy Jordan (at-large representative) as members on the Neighborhood Advisory Committee, expire on July 1, 2016; and

WHEREAS, Alan Escovitz, (at-large member), has resigned as a member on the Neighborhood Advisory Committee, thus leaving an unexpired term until July 1, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Billie Buie, 2 Horizon Hill Road, Asheville, N.C., be and she is hereby appointed to serve a three-year term (at-large representative), term to expire July 1, 2019, or until her successor has been appointed.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-146

RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, Ms. Jaan Ferree has resigned from the Public Art & Cultural Commission, thus leaving an unexpired term until June 30, 2017; and

WHEREAS, Mr. K. Johnson Bowles has resigned from the Public Art & Cultural Commission, thus leaving an unexpired term until June 30, 2018; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Andrew Fletcher, 225 Forest Hill Drive, Asheville, N.C., be and he is hereby appointed as a member to the Public Art & Cultural Commission to serve the unexpired term of Ms. Ferree, term to expire June 30, 2017, or until his successor has been appointed.

Ms. Alyssa Dreyfus, Post Office Box 1042, Asheville, N.C., be and she is hereby appointed as a member to the Public Art & Cultural Commission to serve the unexpired term of Mr. Bowles, term to expire June 30, 2018, or until his successor has been appointed.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Boulware
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Boulware
City Clerk

RESOLUTION NO. 16-147

RESOLUTION IN MEMORY OF ISAAC COLEMAN

WHEREAS, on behalf of the City of Asheville, we extend our sincere condolences over the passing of Isaac Coleman; and

WHEREAS, Isaac Coleman earned the respect, admiration, and high regard of all with whom he came into contact, and our community has sustained a great loss in his death; and

WHEREAS, Isaac Coleman, with a quiet voice and peaceful and friendly demeanor, was a life-long champion of civil rights and social justice; he was instrumental in the establishment of Just Economics and he served for 11 years on the board of Clean Water for North Carolina; he was a founding member of Read to Succeed; and in 2014 he was honored as an "Asheville Living Treasure;" and

WHEREAS, Isaac Coleman served our community in numerous ways including serving on the African American Heritage Committee of Asheville and Buncombe County and working for 27 years as a City of Asheville Housing Inspector and for five years as a manager for the Asheville Housing Authority; he was a mentor and trusted advisor to many individuals and groups; and he served in other capacities too numerous to mention; and

WHEREAS, Isaac's death leaves us with a deep feeling of sorrow for the loss of a beloved and sincere force for good in our community who left an indelible mark on everyone who knew him.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville extends our sincere sympathies to his family and friends upon the passing of Isaac Coleman.

Read, approved and adopted this 28th day of June, 2016.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-148

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, on May 17, 2016, City Council amended the composition of the Citizens-Police Advisory Committee to (1) convert the Asheville-Buncombe Community Relations Council seat to a seat dedicated to a resident of property owned by the Housing Authority; and (2) convert the two current ad hoc member seats to at-large seats appointed by City Council with three-year terms;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Sir Charles Gardner, 14 Granada Street, Asheville, N.C., be and he is hereby appointed to the seat dedicated to a resident of property owned by the Housing Authority, to serve a three-year term, term to begin immediately and expire June 30, 2019, or until his successor has been appointed.

Read, approved and adopted this 28th day of June, 2016.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16-149

RESOLUTION APPOINTING CHAIR TO THE CIVIL SERVICE BOARD

WHEREAS, it is the responsibility of City Council to annually appoint the Chair of the Civil Service Board; and

WHEREAS, the term of the current Chair Alan Coxie expires on June 25, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Alan Coxie, Post Office Box 1261, Asheville, N.C., be and he is hereby reappointed as Chairman of the Civil Service Board to serve a one-year term until his successor is duly appointed or until his term on the Civil Service Board expires, whichever occurs first.

Read, approved and adopted this 28th day of June, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16- 150

RESOLUTION TO ACCEPT ADDITIONAL EMERGENCY SOLUTIONS GRANT FUNDS AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the State of North Carolina has received Emergency Solution Grant (ESG) funds for FY 2016 from the US Department of Housing and Urban Development; and

WHEREAS, the State made these funds available to Continuums of Care in the State, and required that each Continuum of Care submit one regional application for ESG funds ; and

WHEREAS, the City of Asheville has agreed to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services; and

WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has awarded the City, as fiscal agent, an additional $30,372;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville accept additional funds for the Emergency Solutions Grant;
2. Council authorizes the City Manager to sign all documents necessary to apply for and receive these fund from the State of North Carolina.

Read, approved and adopted this 28th day of June, 2016.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 16-151

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS UNDER THE BUREAU OF JUSTICE ASSISTANCE OF THE DEPARTMENT OF JUSTICE

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants and to enter into contracts for the administration of said grants; and

WHEREAS, the US Department of Justice (DOJ), has awarded the City of Asheville the amount of $55,150 through the Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) programs for the purchase of Tasers and equitable distribution of funds to Buncombe County Sheriff's Office;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the US Department of Justice, for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $55,150. APD will spend $43,902 for the purchase tasers, while BCSO will be awarded $11,248.

Read, approved, and adopted this 28th day of June, 2016

Magdalen Bowlesson
CITY CLERK

Esther G. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16-152

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUNCOMBE COUNTY TO SHARE THE COSTS OF A COMPOSTING FEASIBILITY STUDY

WHEREAS, pursuant to § NCGS 160A-461, the City may enter into an interlocal agreement with another unit of government for any undertaking; and

WHEREAS, Buncombe County is currently undertaking a composting feasibility study, and the City has the opportunity to participate in that study; and

WHEREAS, City Council deems it is in the public interest for the City to participate in the study; and

WHEREAS, the City has agreed to reimburse the County for one half the cost of this work, $35,700. Sustainability funds will e used for the Phase II study;

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be and is hereby authorized to enter into an agreement with Buncombe County to share the cost of a composting feasibility study. The cost of the City's portion of the study is not to exceed $37,000

Read, approved and adopted this June 28, 2016.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-153

RESOLUTION AUTHORIZING CITY MANAGER TO ACCEPT AN EASEMENT NEEDED TO IMPLEMENT STREET IMPROVEMENTS ADJACENT TO PROPERTY LOCATED AT 171 BEAVERDAM ROAD AT KIMBERLY AVENUE

WHEREAS, the City of Asheville (City) is authorized pursuant to N.C. General Statutes, Sec. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, in order to install sidewalk and street improvements at 171 Beaverdam Road, the City needs to obtain an easement from the property owner, Ashbury Memorial United Methodist Church; and

WHEREAS, Ashbury Memorial United Methodist Church has agreed to grant said permanent sidewalk easement(s) which is approximately 4,500 SF or 0.103 acres to be donated to the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be and is hereby authorized to execute any and all documents to acquire by gift, grant, device, exchange or otherwise, any and all interests in private real property as needed for the implementation of sidewalk and street improvements at 171 Beaverdam Road at Kimberly Avenue that falls within the meaning and intent of this authorization. The City Manager is further authorized to execute any and all documents necessary to give effect to this resolution, subject to approved by the City Attorney,

Read, approved and adopted this 28th day of June, 2016.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

98

RESOLUTION NO. 16- 154

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR SMITH MILL PLACE (BIOTAT LLC)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville.; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Smith Mill Place development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, at its meeting on June 28, 2016, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and Biotat LLC for the Smith Mill Place development; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The public hearing to consider a land use incentive grant for the Smith Mill Place development is hereby set on July 26, 2016, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 28th day of June, 2016.

Magdalen Bullock
CITY CLERK

Edwin G. Peterson
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-155

RESOLUTION AUTHORIZING THE APPROVAL OF THE 2016-17 STRATEGIC PARTNERSHIP FUND GRANTS

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the award of Strategic Partnership Fund Grants, as recommended by the Housing and Community Development Committee as follows:

AGENCY	**AWARD**
Asheville Area Arts Council	$10,000
Appalachian Sustainable Agriculture Project	$5,000
Asheville Design Center	$2,000
Bountiful Cities	$11,000
Children First	$20,000
Residents' Council – Asheville Housing Authority	$10,000
Homeward Bound	$30,000
My Daddy Taught Me That	$20,000
OnTrack Financial	$12,000
One Youth at a Time	$5,000
Partners Unlimited	$5,000
Project Lighten Up	$3,500
Read to Succeed	$4,000
WNC New Economy Coalition	$6,900
United Way 211	$2,000
YWCA	$12,000
TOTAL	**$158,400**

2. Council authorizes the City Manager to sign all contracts and grants, after approval by the City Attorney, with designated agencies for the implementation of the Strategic Partnership Grants.

Read, approved and adopted this 28th day of June, 2016.

Magdalena Bamieson
CITY CLERK

Esther E. Marks
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalena Bamieson
City Clerk

RESOLUTION NO. 16- 156

RESOLUTION REJECTING BIDS SUBMITTED FOR THE JOHN B. LEWIS SOCCER COMPLEX TURF REPLACEMENT PROJECT

WHEREAS, on May 31, 2016, following a solicitation and in accordance with N.C. G. S. 143-129, the four bids received were opened for the John B. Lewis Soccer Complex Turf Replacement Project; and

WHEREAS, City staff has determined that there are, or could be perceived to be, issues and inconsistencies regarding the bid proposal evaluation process that warrant the rejection of all bids submitted and the restructuring the process for this project to be handled entirely by City Staff; and

WHEREAS, the City Council of the City of Asheville has determined that it is in the best interest of the City to reject all bids as is authorized by N.C. G. S. 143-129;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The bids submitted for the John B. Lewis Soccer Complex Synthetic Turf Replacement project opened on May 31, 2016, are hereby rejected.

Read, approved and adopted this the 28th day of June, 2016.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

102

RESOLUTION NO. 16- 157

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH LAND OF SKY REGIONAL COUNCIL TO PURSUE REGIONAL GIGABIT BROADBAND IN WESTERN NORTH CAROLINA AND TO AUTHORIZE A GRANT SUPPORT LETTER

Whereas, the City has the authority, pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, Asheville and other municipalities, together with Land of Sky, can benefit by executing certain mutual agreements to cooperate in the goal of pursuing better regional broadband; and

WHEREAS, Land of Sky Regional Council (Land of Sky) will work to select a project manager to create an RFP to foster gigabit Internet access for the region; and

WHEREAS, such access will be of mutual benefit to Asheville and the greater region; and

WHEREAS, the scope of this work is clearly stated in the memorandum of agreement; and

WHEREAS, the amount of the Agreement is $11,893, and budgeted within the existing FY 2015-16 ITS Departmental budget; and

WHEREAS, matching funds may be available through Appalachian Regional Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a memorandum of agreement (with no dollar value); a contract in the amount of $11,893 for Land of Sky Regional Council to pursue regional gigabit broadband in Western North Carolina; and the issuance of a letter of support for Land of Sky to pursue an Appalachian Regional Commission grant.

Read, approved and adopted this 28th day of June, 2016.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 16-158

RESOLUTION AUTHORIZING THE MAYOR TO CONVEY A UTILITY EASEMENT ON SOUTH CHARLOTTE STREET TO DUKE ENERGY PROGRESS FOR CONSTRUCTION OF UNDERGROUND PRIMARY ELECTRIC SERVICE

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at 172 South Charlotte Street, identified as PIN# 9648582843; and

WHEREAS, Duke Energy Progress has requested a Permanent Easement containing approximately 2,978 square feet over a portion of said property at South Charlotte Street;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located on South Charlotte Street (PINS #9648582843) to Buncombe County. In addition, the Mayor is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 28th day of June, 2016.

Magdalen Bowman
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowman
City Clerk

104

RESOLUTION NO. 16-159

RESOLUTION APPOINTING A MEMBER TO THE WNC REGIONAL AIR QUALITY AGENCY BOARD OF DIRECTORS

WHEREAS, the term of Mr. Loyd Kirk, as a member on the WNC Regional Air Quality Agency Board of Directors, expires July 1, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Joel Storrow, 1 Westview Road, Asheville, N.C., be and he is hereby appointed as a member to the WNC Regional Air Quality Agency Board of Directors, to serve a six-year term, term to begin July 1, 2016, and expire July 1, 2022, or until his successor has been appointed.

Read, approved and adopted this 28th day of June, 2016.

Magdalen Pollison
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Pollison
City Clerk

RESOLUTION NO. 16-160

RESOLUTION AUTHORIZING THE CITY MANAGER TO REJECT ALL PROPOSALS RECEIVED FOR THE MANAGEMENT OF THE DAILY OPERATION OF THE ASHEVILLE TRANSIT SYSTEM

WHEREAS, North Carolina law prohibits municipalities from engaging in collective bargaining; and

WHEREAS, the City of Asheville must hire a Management Company to operate the transit system; and

WHEREAS, the management company is a party to a 13 (c) Labor Agreement with the Amalgamated Transit Union Local 128 covering all hourly employees; and

WHEREAS, a collective bargaining agreement between Transit Management of Asheville and the ATU Local 128 is in place until January 31, 2017 ; and

WHEREAS, the city hired First Transit, Inc. to operate the transit system and the contract will expire June 30, 2016; and

WHEREAS, the City issued a Request for Proposals (RFP) on February 5, 2016 and two proposals were received on March 23, 2016; and

WHEREAS, City staff recommends, based on consultation with the Federal Transit Administration, that the proposals submitted for the management of the transit system be rejected based on inconsistencies in the RFP processes;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to reject all proposals for the management of the Asheville Transit System received on March 23, 2016 based on inadequacies and inconsistencies in the RFP process.

Read, approved and adopted this the 28th day of June 2016.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:
City Attorney

Magdalen Bullock
City Clerk

106

RESOLUTION NO. 16-161

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE MASS TRANSIT MANAGEMENT AGREEMENT WITH FIRST TRANSIT, INC ON A MONTH-TO-MONTH BASIS TO MANAGE THE OPERATION OF THE ASHEVILLE REDEFINES TRANSIT SYSTEM

WHEREAS, North Carolina law prohibits municipalities from engaging in collective bargaining; and

WHEREAS, the City of Asheville must hire a management company to operate the transit system; and

WHEREAS, the management company is a party to the collective bargaining agreement with the Amalgamated Transit Union Local 128 covering all hourly employees; and

WHEREAS, a collective bargaining agreement between Asheville Transit System's management company and the ATU Local 128 is in place until January 31, 2017; and

WHEREAS, the city hired First Transit, Inc. to operate the transit system and the contract will expire in June 30, 2016; and

WHEREAS, city staff recommends extending the current agreement with First Transit on a month-to-month basis to allow time to conduct a new RFP process;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to extend the mass transit management agreement with First Transit, Inc. to continue managing the operation of the City of Asheville Transit System on and month-to-month basis to allow time to conduct a new RFP process.

Read, approved and adopted this the 28th day of June, 2016.

Magdalen Pauleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Pauleson
City Clerk

RESOLUTION NO. 16-162

RESOLUTION APPOINTING MEMBERS TO THE ACCESSORY DWELLING UNIT TASK FORCE

WHEREAS, on May 17, 2016, City Council announced the formation of an Accessory Dwelling Unit (ADU) Task Force to research, discuss and recommend programmatic and land use regulations related to the potential use of ADUs as part of a homestay operation; and

WHEREAS, four seats will be filled by representatives from the following stake-holder groups: Asheville Short-Term Rental Advocates; Asheville Neighborhood Advisory Committee; Land of the Sky Association of Realtors; and Asheville Affordable Housing Advisory Committee; and

WHEREAS, City Council will appoint 8 at-large seats to be filled by members of the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Jane Mathews, David Rodgers, John Farquhar, Jackson Tierney, Israel Hill, Kelly Prime, Wendy Dean and Carter Webb be and they are hereby appointed as at-large members of the ADU Task Force until the completion of their task.

Ms. Kama Ward is hereby appointed to the Asheville Short-Term Rental Advocates seat until the completion of their task.

Ms. Greta Bush is hereby appointed to the Asheville Neighborhood Advisory Committee seat until the completion of their task.

Mr. Randall Barnett is hereby appointed to the Land of the Sky Association of Realtors seat until the completion of their task.

Ms. Barber Melton is hereby appointed to the Affordable Housing Advisory Committee seat until the completion of their task.

Read, approved and adopted this 28th day of June, 2016.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

108

RESOLUTION NO. 16-163

RESOLUTION REGARDING THE I-26 CONNECTOR

WHEREAS, the I-26 and I-240 corridors are critical to local and regional residents, visitors, interstate travelers, and regional commerce; and

WHEREAS, Alternatives 4 and 4B were the alternatives most strongly supported by the residents of Asheville and endorsed by City Council;

WHEREAS, the selection of Alternate 4B selection will put the interstate on a new location from the Patton Avenue interchange across the French Broad River, just north of the Captain Jeff Bowen bridges, and connect with U.S. 19/23/70; and

WHEREAS, the selection of Alternate 4B will return Patton Ave to a surface street, allowing the opportunity to create a new gateway into downtown and a truly urban, multi-modal boulevard with new, infill development – all of which will help Asheville grow sustainably and create opportunities for economic investment and development; and

WHEREAS, this alternative has the least amount of impact on the Burton Street community and would provide the opportunity for a new connection from Hillcrest directly to Patton Ave; and

WHEREAS, this decision will help ensure the project provides benefits to the residents of Asheville in addition to those travelling through our city; and

WHEREAS, there are still improvements needed to make this project context and neighborhood sensitive and to ensure it aligns with the City of Asheville's strategic vision and goals, including making the footprint as small as possible, minimizing the noise and visual impacts on all Asheville neighborhoods and historic resources, designing new bridges that will contribute to Asheville's scenic beauty, including more bike/pedestrian facilities, and maintaining accessibility to and the scenic nature of the French Broad River as an amenity for residents and visitors; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville is grateful to the North Carolina Department of Transportation and other state and federal agencies for responding to public input and selecting the Alternate 4B option in section B of the I-26 Connector project; and the City of Asheville looks forward to continuing the positive working relationship between the city's working group and NCDOT to address the remaining issues, and looks forward to positive decisions emerging from those discussions that will continue to improve the project for the residents of Asheville.

Read and approved and adopted this 5th day of July, 2016.

Magdalen Bowlson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-164

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH BREKFORD, INC. FOR PARKING CITATION MANAGEMENT SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A- 20.1 of the North Carolina General Statutes to enter into contracts for services with private entities; and

WHEREAS, parking citation management services are needed in the City's enforcement program; and

WHEREAS, the City previously entered into a general services contract with Brekford Inc. in April 2013 to provide parking citation management services to the City for $200,000 over three years and two months, with the contract expiring on June 30, 2016 (see Resolution No. 13-62); and

WHEREAS, the City would like to amend the contract with Brekford, Inc. to extend the contract term for up to an additional two years and $140,000; and

WHEREAS, the necessary funds for this amendment are already budgeted in the Parking Services' Operating Budget for FY 2016-17;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authcrized to amend a contract on behalf of the City of Asheville with Brekford, Inc. to extend the contract term for up to an additional two years and increase the contract amount by $140,000 (not to exceed $70,000 per fiscal year), for parking citation management services.

Read, approved and adopted this the 5th day of July, 2016.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 16-165

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT WITH CAVANAUGH & ASSOCIATES, P.A., FOR THE NON-REVENUE WATER PROGRAM PHASE II

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Cavanaugh & Associates, PA, was one of nine firms selected by Staff via a Request for Qualifications (RFQ) process to perform On-call Professional Engineering Services for General Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with Cavanaugh & Associates, PA, on April 21, 2015, for On-Call Professional Services for General Projects; and

WHEREAS, the Professional Engineering Services for the Non-Revenue Water (NRW) Program Phase II Project will be part of a Supplemental Agreement under aforesaid Master Agreement with Cavanaugh & Associates, PA, for the not-to-exceed amount of $321,728.50.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a professional engineering services supplemental agreement with Cavanaugh & Associates, P.A., for the Non-revenue Water (NRW) Program Phase II for the not-to-exceed amount of $321,728.50 and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 5th day of July, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION 16-166

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS

WHEREAS, pursuant to the Local Government Bond Act, Article 4 of Section 159 of the North Carolina General Statutes, the City Council (the "*City Council*") of the City of Asheville, North Carolina (the "*City*") is considering the issuance of general obligation bonds of the City which shall be for the following purposes and in the following maximum amounts:

> $32,000,000 of bonds to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, pedestrian and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; acquiring, constructing, extending and improving greenways, providing related landscaping, retaining walls, storm drainage and any other necessary improvements; and the acquisition of land and rights-of-way in land required therefor;
>
> $25,000,000 of bonds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor; and
>
> $17,000,000 of bonds to provide funds to pay the capital costs of infrastructure improvements for various parks and recreation facilities of the City, including the cost of related studies, plans and design, acquiring, constructing, reconstructing, improving, installing or providing storm drainage, grade and surface improvements, construction, reconstruction and improvements of recreation fields; construction, reconstruction and improvements of restroom facilities; sidewalks, bike paths and pedestrian trails; paving, resurfacing, grading or improving parking lots, roads and intersections, providing public open space, landscaping and lighting, and acquiring any necessary equipment, land, interests in land and rights-of-way therefor.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City Clerk is hereby directed to cause a copy of the "NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS" to be published in a newspaper of general circulation in the City on or about July 7, 2016.

Read, approved and adopted this 5th day of July, 2016.

Magdalen Bullson
City Clerk

E. Ann G. Mark
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bullson
City Clerk

RESOLUTION 16-167

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA AUTHORIZING THE CHIEF FINANCIAL OFFICER TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE CITY'S PROPOSED GENERAL OBLIGATION BONDS AND TO SUBMIT SUCH APPLICATION TO THE LOCAL GOVERNMENT COMMISSION

WHEREAS, pursuant to the Local Government Bond Act, Article 4 of Section 159 of the North Carolina General Statutes, the City Council (the "*City Council*") of the City of Asheville, North Carolina (the "*City*") proposes to set a public hearing on the following Bond Orders entitled:

"BOND ORDER AUTHORIZING THE ISSUANCE OF $32,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;"

"BOND ORDER AUTHORIZING THE ISSUANCE OF $25,000,000 GENERAL OBLIGATION HOUSING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;" and

"BOND ORDER AUTHORIZING THE ISSUANCE OF $17,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;"

WHEREAS, it is necessary, as a condition to the consideration and adoption of the Bond Orders, to submit an Application to the Local Government Commission for Approval of the Bonds, all in the manner required by The Local Government Bond Act.

NOW, THEREFORE, be it resolved by the City Council that the Chief Financial Officer of the City is hereby directed to file with the Local Government Commission an application for its approval of the General Obligation Transportation Bonds, General Obligation Housing Bonds and General Obligation Parks and Recreation Bonds hereinbefore described, on a form prescribed by said Commission, and (1) to request in such application that said Commission approve the City's use of Parker Poe Adams & Bernstein LLP of Charlotte, North Carolina, as bond counsel for the City and (2) to state in such application such facts and to attach thereto such exhibits in regard to such General Obligation Transportation Bonds, General Obligation Housing Bonds and General Obligation Parks and Recreation Bonds and to the City and its financial condition, as may be required by said Commission.

BE IT FURTHER RESOLVED that this Resolution shall become effective on the date of its adoption.

Read, approved and adopted this 5th day of July, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION 16-168

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE

WHEREAS, pursuant to the Local Government Bond Act, Article 4 of Section 159 of the North Carolina General Statutes, the City Council (the "*City Council*") of the City of Asheville, North Carolina (the "*City*") is considering the issuance of bonds of the City which shall be for the following purposes and in the following maximum amount:

> $32,000,000 of bonds to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, pedestrian and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; acquiring, constructing, extending and improving greenways, providing related landscaping, retaining walls, storm drainage and any other necessary improvements; and the acquisition of land and rights-of-way in land required therefor;
>
> $25,000,000 of bonds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor; and
>
> $17,000,000 of bonds to provide funds to pay the capital costs of infrastructure improvements for various parks and recreation facilities of the City, including the cost of related studies, plans and design, acquiring, constructing, reconstructing, improving, installing or providing storm drainage, grade and surface improvements, construction, reconstruction and improvements of recreation fields; construction, reconstruction and improvements of restroom facilities; sidewalks, bike paths and pedestrian trails; paving, resurfacing, grading or improving parking lots, roads and intersections, providing public open space, landscaping and lighting, and acquiring any necessary equipment, land, interests in land and rights-of-way therefor.

WHEREAS, certain findings of fact by the City Council must be presented to enable the Local Government Commission of the State of North Carolina to make certain determinations as set forth in Section 159-52 the North Carolina General Statutes, as amended.

NOW, THEREFORE, BE IT RESOLVED that the City Council, meeting in open session on the 5th day of July, 2016, has made the following factual findings in regard to this matter:

A. ***Facts Regarding Necessity of Proposed Financing.*** The proposed bonds are necessary and expedient to pay (1) the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, pedestrian and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; acquiring, constructing, extending and improving greenways, providing related landscaping, retaining walls, storm drainage and any other necessary improvements; and the acquisition of land and rights-of-way in land required therefor, (2) the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor and (3) the capital costs of infrastructure improvements for various parks and recreation facilities of the City, including the cost of related studies, plans and design, acquiring, constructing, reconstructing, improving, installing or providing storm drainage, grade and surface improvements, construction, reconstruction and improvements of recreation fields; construction, reconstruction and improvements of restroom facilities; sidewalks, bike paths and pedestrian trails; paving, resurfacing, grading or improving parking lots, roads and intersections, providing public open space, landscaping and lighting, and acquiring any necessary equipment, land, interests in land and rights-of-way therefor.

B. ***Facts Supporting the Amount of Bonds Proposed.*** The sums estimated for these bonds are adequate and not excessive for the proposed purposes. Estimates for the proposed construction and improvements have been carefully analyzed and determined by persons knowledgeable about the construction and improvements.

C. ***Past Debt Management Procedures and Policies.*** The City's debt management procedures and policies are excellent and have been carried out in compliance with law. The City employs a Chief Financial Officer to oversee compliance with applicable laws relating to debt management. The City Council requires annual audits of City finances. In connection with these audits, compliance with laws is reviewed. The City is not in default in any of its debt service obligations. The City Attorney reviews all debt-related documents for compliance with laws.

D. ***Past Budgetary and Fiscal Management Policies.*** The City's budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the City Council before final approval of budget ordinances. Budget amendments changing a function total or between functions are presented to the City Council at regular City Council meetings. The Chief Financial Officer presents financial information to the City Council which shows budget to actual comparisons annually and otherwise as the City Manager deems necessary or as a member of the City Council may request.

E. ***Increase in Taxes; Retirement of Debt.*** The increase in taxes, if any, necessary to service the proposed debt will not be excessive. The schedule for issuance anticipates issuing all of the bonds in more than one series during the seven years following the adoption of the bond orders.

Read, approved and adopted this 5th day of July, 2016.

Magdalen Bullion
City Clerk

Adam E. Mark
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 16 - 169

RESOLUTION ACCEPTING HOSPITAL DRIVE AS A CITY STREET

WHEREAS, pursuant to NCGS § 160A-296, the City of Asheville has general authority and control over all public streets within its jurisdiction, including the power to acquire streets through dedication and acceptance; and

WHEREAS, Hospital Drive is located within the corporate limits of the City of Asheville; and

WHEREAS, Hospital Drive has been offered for dedication to the City for public use; and

WHEREAS, Hospital Drive was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to Hospital Drive including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the variable right-of-way width of 101 to 102 feet for Hospital Drive has been recorded in Plat Book 132 Page 6; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville accepts Hospital Drive as a City Street, as indicated on the attached map section.

Read, approved and adopted this 26th day of July, 2016.

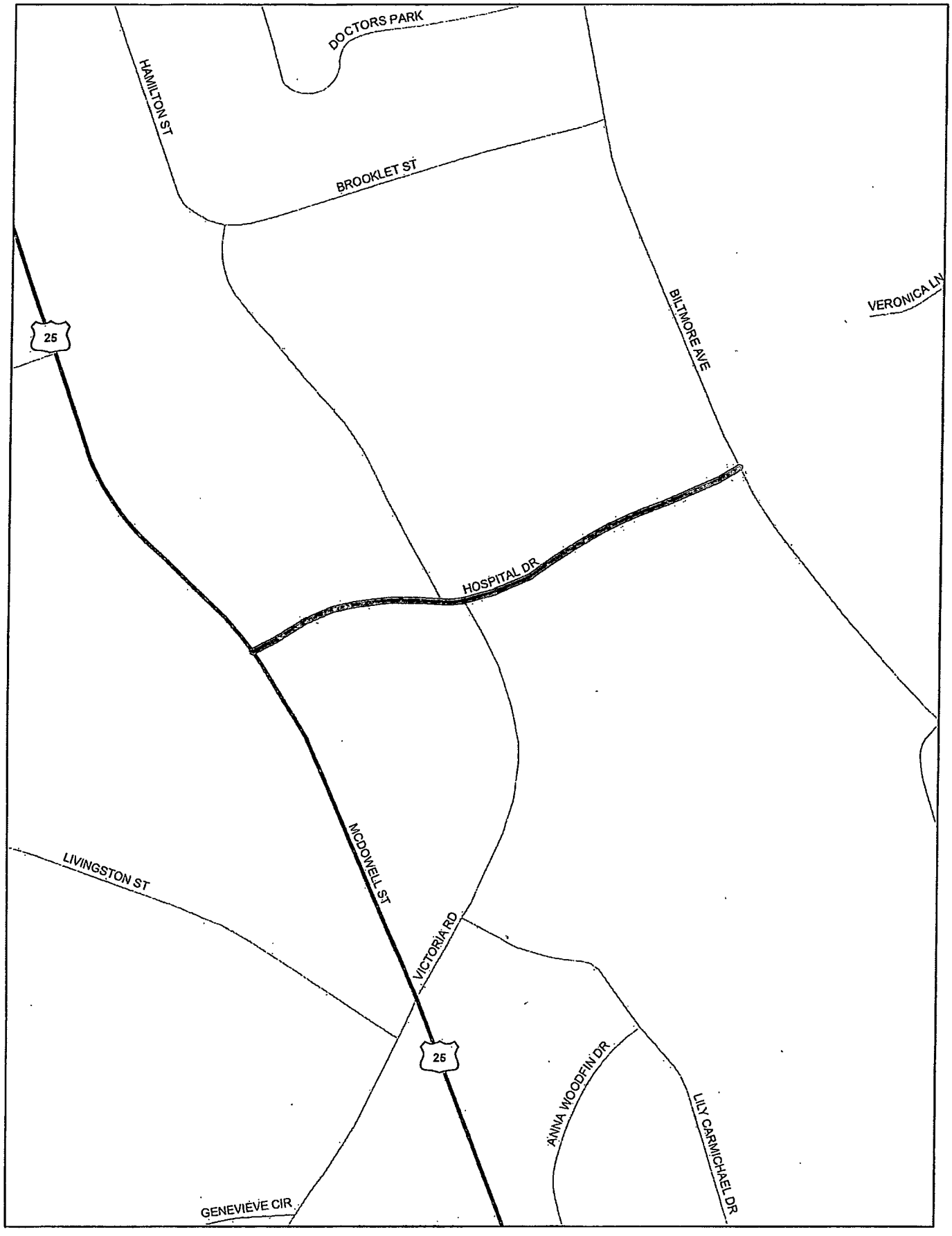
Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk


DOCTORS PARK
HAMILTON ST
BROOKLET ST
BILTMORE AVE
VERONICA LN
25
HOSPITAL DR
MCDOWELL ST
LIVINGSTON ST
VICTORIA RD
25
ANNA WOODFIN DR
LILY CARMICHAEL DR
GENEVIÈVE CIR

RESOLUTION NO. 16- 170

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT LEAF DOWNTOWN AVL ON THE DATES OF SATURDAY, JULY 30, 2016 FROM 12:00 PM – 10:30 PM AND SUNDAY, JULY 31, 2016 FROM 12:00 PM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at LEAF Downtown AVL.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the LEAF Downtown AVL event area, as set forth in Exhibit A, attached.

   The LEAF Downtown AVL event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for LEAF Downtown AVL on Saturday, July 30, 2016 from 12:00 p.m. – 10:30 p.m. and Sunday, July 31, 2016 from 12:00 p.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the LEAF Downtown AVL event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the LEAF Downtown AVL event

area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the LEAF Downtown AVL, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bowleson
CITY CLERK

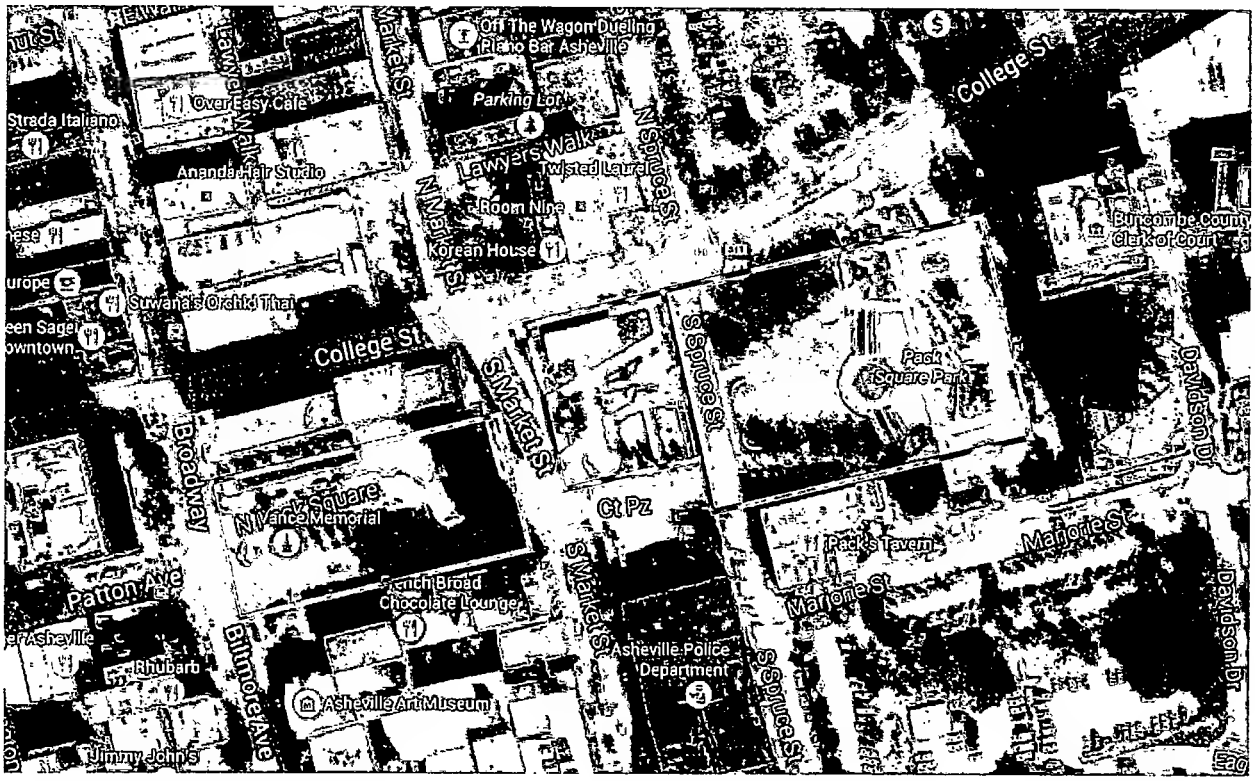
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

EXHIBIT A


Off The Wagon Dueling Piano Bar Asheville
Parking Lot
Over Easy Cafe
Strada Italiano
Ananda Hair Studio
Lawyers Walk
Twisted Laurel
Room Nine
Korean House
Suwanee's Orchid Thai
College St
S Market St
S Spruce St
Pack Square Park
Buncombe County Clerk of Court
Broadway
Pack Square
Vance Memorial
Ct Pz
Patton Ave
French Broad Chocolate Lounge
Rhubarb
Asheville Art Museum
Asheville Police Department
Pack's Tavern
Marjorie St
Biltmore Ave
Jimmy John's
Dawson Dr

RESOLUTION NO. 16- 171

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON THE DATES OF FRIDAY, SEPTEMBER 9, 2016 FROM 5:00 PM – 10:00 PM, SATURDAY, SEPTEMBER 10, 2016 FROM 10:00 AM – 10:00 PM, AND SUNDAY, SEPTEMBER 11, 2016 FROM 1:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Goombay Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Goombay Festival event area, as set forth in Exhibit A, attached.

   The Goombay Festival event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Goombay Festival on Friday, September 9, 2016 from 5:00 p.m. – 10:00 p.m., Saturday, September 10, 2016 from 10:00 a.m. – 10:00 p.m., and Sunday, September 11, 2016 from 1:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Goombay Festival event area. No other possession of

open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Goombay Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Goombay Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bulleson
CITY CLERK

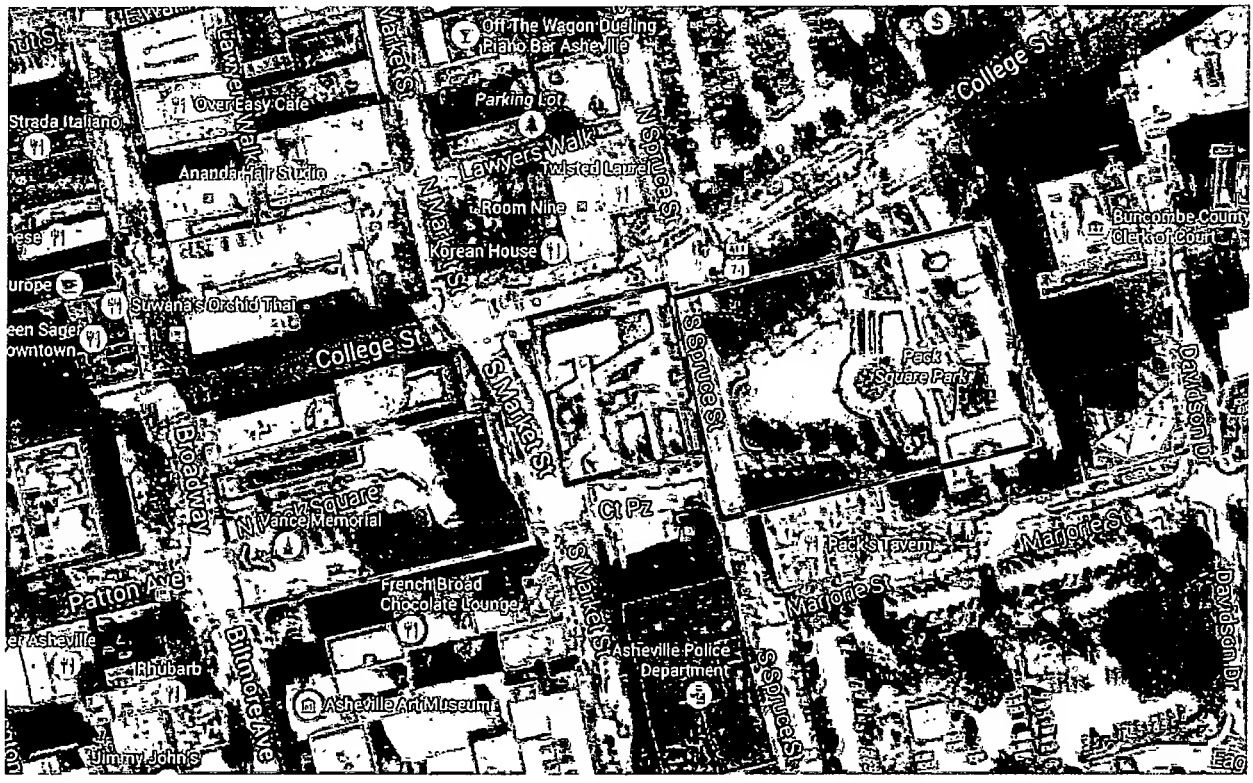
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

EXHIBIT A


Off The Wagon Dueling Piano Bar Asheville
Over Easy Cafe
Strada Italiano
Parking Lot
Lawyers Walk
Twisted Laurel
Room Nine
Korean House
Ananda Hair Studio
Suwana's Orchid Thai
College St
Buncombe County Clerk of Court
Pack Square Park
Pack Square
N Vance Memorial
Ct Pz
Pack's Tavern
Marjorie St
Patton Ave
French Broad Chocolate Lounge
Asheville Police Department
Rhubarb
Asheville Art Museum
Jimmy John's
Broadway
Biltmore Ave
Market St
Spruce St
College St

RESOLUTION NO. 16-172

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II RENEWAL PERMIT APPLICATION IN ADDITION TO ANY OTHER PAPERWORK NECESSARY TO COMPLY WITH THE EPA NON-FUNDED STORMWATER MANDATE

WHEREAS, the Environmental Protection Agency has mandated that operations of Municipal Separate Storm Sewer Systems (MS4) with a population of 10,000 to 100,000 or a density greater than 1,000 per square mile as designated the latest Census submit an application for a permit to operate such systems; and

WHEREAS, the City of Asheville is currently participating in this program; and

WHEREAS, the City of Asheville owns and operates a MS4; and

WHEREAS, the City of Asheville wishes to reduce water pollution as a result of stormwater runoff;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be authorized to sign the National Pollution Discharge Elimination System (NPDES) Phase II renewal application in addition to any other paperwork necessary to comply with the program.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

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RESOLUTION NO. 16-173

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS WITH THE NC GOVERNOR'S CRIME COMMISSION'S STATE APPROPRIATION COMMITTEE

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and to enter into contracts for the administration of said grants; and

WHEREAS, the NC Governor's Crime Commission's State Appropriation Committee allows for the City of Asheville to apply for the amount of $100,000.00 to purchase an additional 60 Body-Worn Taser Axon Flex Camera Systems;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the NC Governor's Crime Commission's State Appropriation Committee for the 2016-17 Body-Worn Video Cameras - Local Solicitation in the amount of $100,000.00. If awarded, APD will spend this amount for an additional 60 Body-Worn Taser Axon Flex Camera and accessories for a total of 180 Body-Worn Taser Axon Flex Cameras.

Read, approved, and adopted this 26th day of July, 2016.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16-174

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH THE MILLS RIVER PARTNERSHIP, INC. (MRP) TO PARTIALLY FUND PROJECTS DIRECTLY RELATED TO WATER QUALITY PROTECTION AND/OR IMPROVEMENT IN THE MILLS RIVER WATERSHED

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Resources Department (WRD) desires to contract with the Mills River Partnership, Inc. (MRP) to partially fund projects directly related to water quality protection and/or improvement in the Mills River Watershed; and

WHEREAS, the contract will be for a total not-to-exceed amount of $180,000 over three (3) fiscal years contingent upon funding each year and the level of participation recommended is an amount up to $60,000 per fiscal year for a maximum of three fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds; and

WHEREAS, the monies are budgeted in WRD's operating budget for each year of the three-year agreement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a multi-year general services agreement with the Mills River Partnership, Inc., for the Mills River Watershed Best Management Practices project for a not-to-exceed amount of $180,000 over three (3) fiscal years contingent upon funding each year; and further the level of participation recommended is an amount up to $60,000 per fiscal year for a maximum of three fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-175

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND RECEIVE FUNDS FROM THE NCDOT BICYCLE AND PEDESTRIAN PLANNING GRANT PROGRAM TO CONDUCT A GREENWAY FEASIBILITY STUDY IN EAST ASHEVILLE: SWANNANOA RIVER CORRIDOR GREENWAY – PHASE ONE

WHEREAS, pursuant to N.C.G.S. § 160A-17.1, the City is authorized to make contracts and accept grants and loans from other governments and their agencies; and

WHEREAS, the City Greenway Master Plan identifies this project area as part of the Swannanoa River Greenway Corridor; and

WHEREAS, the N.C. Dept. of Transportation requested proposal for studies to be submitted on July 1, 2016; and

WHEREAS, there will be no matching funds needed from the City to conduct this project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

That the City of Asheville continue with the application process for this grant program and, if awarded, the City Manager accept the funds for a feasibility study for the East Asheville Greenway, a segment of the Swannanoa River Greenway.

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to approve this feasibility study.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 16-176

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE SECOND-YEAR OPTION OF A CONTRACT WITH SAGE SECURITY SOLUTIONS, LLC TO PROVIDE SECURITY SYSTEMS SERVICES IN VARIOUS CITY FACILITIES FOR THE SECOND-YEAR RENEWAL; AND TO EXERCISE THE OPTION TO RENEW THE CONTRACT FOR ONE (1) ADDITIONAL TWELVE-MONTH PERIOD BASED ON THE CONTACTOR'S SATISFACTORY PERFORMANCE AND AVAILABLE BUDGET

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville in the General Services Department contracts for security systems service at various City facilities, which is part of the provision of core facility maintenance level of service for City facilities; and

WHEREAS, the City entered into a one-year contract with Sage Security Solutions, LLC in the amount of $43,222.22 for FY 2014-2015 for security protection service and new equipment, and amended the contract for FY 2015-2016 in the amount of $38,670.70 with an option to renew for one year; and

WHEREAS, the City wishes to elect to exercise the second year for FY 2016-2017 in the amount of $40,923.55, increasing the cumulative amount of the contract to $122,815.55; and

WHEREAS, the funding required is budgeted in the FY 2016-17 department operating budget as part of the Facilities Maintenance division budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to 1) exercise the second-year option of a contract in the amount of $40,923.55 with Sage Security Solutions, LLC for security protection services at various facilities owned by the City of Asheville (City) for the second year in the cumulative amount of $122,815.55; and 2) to exercise the option to renew the contract for one (1) additional twelve-month period based on the contactor's satisfactory performance and available budget.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 16-177

RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOTIATIONS AND EXECUTE A CONTRACT WITH HYDROCYCLE ENGINEERING FOR THE PROFESSIONAL SERVICES ASSOCIATED WITH A WATERSHED ASSESSMENT OF THE WELLINGTON STREET AREA

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City Council has previously approved the City Manager the ability to provide an exemption to the Mini-Brooks Act in order to enter into professional services for project under $50,000; and

WHEREAS, the City wishes to perform a watershed assessment for the Wellington Street area; and

WHEREAS, the City's goal is to continue to be proactive with stormwater related projects;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Manager is hereby authorized to complete negotiations and execute a contract with HydroCycle Engineering for the professional services associated with the watershed assessment of the Wellington Street for an amount of $47,000.

Read, approved and adopted this the 26th day of July, 2016.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 16-178

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH CAROLINA CORNERSTONE CONSTRUCTION, INC. FOR THE PROJECT KNOWN AS 14 RIVERSIDE RENOVATION, CITY OF ASHEVILLE PROJECT RAD-15-16-003

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as 14 Riverside renovation, City of Asheville Project # RAD-15-16-001; and

WHEREAS, Carolina Cornerstone construction, Inc. was the lowest responsible bidder for the project, in the amount of $724,980 with a 15% contingency of $108,900; and

WHEREAS, the project involves the Renovation of a historical building that will serve visitors to the River Arts District; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $724,980.00 plus contingency with Carolina Cornerstone construction, Inc. for the project known as 14 Riverside renovation, City of Asheville Project # RAD-15-16-001.

Read, approved and adopted this the 26th day of July, 2016.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 16-179

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH DR. J. PAUL MARTIN (DBA ASHEVILLE ADDICTION CONSULTANTS, PA) FOR PHYSICIAN SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, under the purview of the City Manager, the Human Resources Department contracts with Dr. J. Paul Martin for physician services; and

WHEREAS, pursuant to Resolution No. 15-147, the City entered into a contract with Dr. J. Paul Martin for FY 2015-16 in the amount of $120,000; and

WHEREAS, there is a time-limited need to extend said services while a new contract is procured for physician services; and

WHEREAS, the contract amendment will have a one-month termination clause and a maximum duration of six months; and

WHEREAS, the amount of the contract amendment is not to exceed $60,000.00 and the monies have been budgeted in the Health Care Fund Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the contract on behalf of the City of Asheville with Dr. J. Paul Martin (DBA Asheville Addiction Consultants, PA) and further authorized to execute any change orders to said contract or documents which may arise during performance of said project up to the budgeted amount.

Read, approved and adopted this the 26th day of July, 2016.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 16-180

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE DONATION OF THREE STORMWATER EASEMENTS FOR THE PURPOSE OF IMPLEMENTING STORMWATER IMPROVEMENTS ALONG PATTON AVENUE, PEARL STREET AND HILLIARD AVENUE

WHEREAS, on March 22, 2016, City Council approved the City Manager to enter into a public private partnership agreement to make stormwater improvements to city infrastructure; and

WHEREAS, most of the project improvements will be located within the public right of way but it has been determined that the most cost effective and most constructible solution is install a portion of the drainage system on private property, requiring additional stormwater easements ; and

WHEREAS, the City through, this partnership, will gain needed stormwater infrastructure along Pearl Street; and

WHEREAS, the necessary easements consist of the following: an easement from Claude DeBruhl to the City for an area consisting of approximately 2,657 SF; an easement from Claude and William DeBruhl to the City for an area consisting of approximately 2,416 SF; and an easement from Cope Street Complex, LLC to the City for an area consisting of approximately 4,640 SF; and

WHEREAS, these stormwater easements will be donated by the project development partner at no cost to the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept the donation of the aforementioned easements for the purpose of implementing stormwater improvements located along Patton Avenue, Pearl Street and Hilliard Avenue and execute any documents necessary to give effect to this resolution.

Read, approved and adopted this the 26nd day of July 2016.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-181

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE, A CONTRACT WITH H&M CONSTRUCTORS TO PROVIDE DESIGN SERVICES FOR THE PARKS MAINTENANCE FACILITIES RELOCATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-128.1A, approval to use the design build method was obtained (in accordance with City resolution No. 16-45) and requests for qualifications were solicited for the design-build project known as Parks Maintenance Relocation, City of Asheville Project # ED-14-15-001; and

WHEREAS, H&M Constructors was selected following a thorough review and evaluation process; and

WHEREAS, H&M Constructors and their design team, shall provide the all labor, material, equipment, etc. for the design phase of the Parks Maintenance Relocation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $151,840 plus a contingency of 20% ($30,368) with H&M constructors for the project known as Parks maintenance relocation project, City of Asheville Project # ED-14-15-001.

Read, approved and adopted this the 26th day of July, 2016.

Magdalen Bullesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullesson
City Clerk

RESOLUTION NO: 16-182

RESOLUTION AMENDING THE 2016 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council will hold a formal meeting on September 6, 2016, beginning at 5:00 p.m. in the Council Chamber, located on the 2nd Floor of City Hall.

2. The formal meeting of the Asheville City Council scheduled for Tuesday, September 13, 2016, is hereby cancelled.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 16- 183

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT AGREEMENT FOR SMITH MILL PLACE (BIOTAT LLC)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Smith Mill Place development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City Council, the Smith Mill Place development located at 29 Oak Hill Road will be a 72 unit multi-family rental development project that will fulfill an important public purpose, in that it will provide 36 units of affordable housing (defined as rents that require payment of no more than 30% of gross income for a household with an income not exceeding 60% of the area median income), and 36 units of workforce housing (defined as rents that require payment of no more than 30% of gross income for a household with an income at or below 100% of the area median income), and will be located within .25 mile of a one-half hour frequency public transit route;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council hereby agrees to enter into a Land Use Incentive Agreement with Biotat LLC to support the development of the Smith Mill Place project. The annual land use incentive grant will be the difference between the current City tax and the estimated post-completion City tax, said grant amount currently estimated to be $31,854.51, the exact amount to be determined by the actual assessed value of the development upon completion. The grant is approved for a period of 9.5 years and a 95% fee rebate is approved.
2. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bowlesson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:
CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION 16-184

RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA REGARDING BOND ORDERS AUTHORIZING THE ISSUANCE OF $32,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS, $25,000,000 GENERAL OBLIGATION HOUSING BONDS AND $17,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS, SETTING A PUBLIC HEARING THEREON AND DIRECTING PUBLICATION OF A NOTICE OF SAID PUBLIC HEARING

WHEREAS, bond orders entitled:

"BOND ORDER AUTHORIZING THE ISSUANCE OF $32,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;"

"BOND ORDER AUTHORIZING THE ISSUANCE OF $25,000,000 GENERAL OBLIGATION HOUSING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;" and

"BOND ORDER AUTHORIZING THE ISSUANCE OF $17,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;"

have been introduced at a meeting of the City Council (the "*City Council*") of the City of Asheville, North Carolina this 26th day of July, 2016; and

WHEREAS, the City Council desires to provide for the holding of a public hearing thereon on August 9, 2016 and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA that the public hearing on said bond orders shall be held on the 9th day of August, 2016 at 5:00 p.m. in the Council Chamber, 2nd Floor of City Hall, 70 Court Plaza, Asheville, North Carolina.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of said bond orders to be published with a notice of such hearing in the form prescribed by law in a newspaper of general circulation in the City on or before the 3rd day of August, 2016.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby directed to file prior to publication of the bond orders with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the net debt of the City, the assessed value of property subject to taxation by the City and the percentage that net debt of the City bears to the assessed value of property subject to taxation.

BE IT FURTHER RESOLVED that this Resolution shall become effective on the date of its adoption.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bowlson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-185

RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, the term of Viola Spells, as a member of the African American Heritage Commission, expired on July 1, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. S. Antanette Mosley, 3 Devonshire Place, Asheville, N.C., be and she is hereby appointed as a member to the African American Heritage Commission, to serve a three-year term, term to expire July 1, 2019, or until her successor has been appointed.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bowlesson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16-186

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, on May 17, 2016, City Council amended the composition of the Citizens-Police Advisory Committee to (1) convert the Asheville-Buncombe Community Relations Council seat to a seat dedicated to a resident of property owned by the Housing Authority; and (2) convert the two current ad hoc member seats to at-large seats appointed by City Council with three-year terms;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Shana McDowell, 100 Atkinson Street, Asheville, N.C., be and she is hereby appointed as an at-large member, to serve a three-year term, term to begin immediately and expire June 30, 2019, or until her successor has been appointed.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-187

RESOLUTION APPOINTING MEMBERS TO THE COMPREHENSIVE PLAN ADVISORY COMMITTEE

WHEREAS, on May 10, 2016, City Council announced the formation of A Comprehensive Plan Advisory Committee to provide input and feedback on the planning and public engagement process for the update to the City of Asheville Comprehensive Plan;

WHEREAS, the Advisory Team will represent a broad diversity of interests on topics relevant to the Comprehensive Plan and will have representation from various committees/organizations; and

WHEREAS, in addition to the representation from various committees/ organizations, City Council will appoint 3 at-large seats to be filled by members of the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Linda Giltz, 43 Vermont Court, Asheville, North Carolina; Mr. Blake Esselstyn, 49 North Street, Asheville, North Carolina; and Mr. Steven Sizemore, 7 North Oak Forest Drive, Asheville, North Carolina, be and they are hereby appointed as at-large members to the Comprehensive Plan Advisory Committee until the completion of the community visioning process.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-188

RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, the terms of Bruce Emory (representing demonstrated transit interests); James Grode (representing demonstrated greenway interests), Terri March (representing demonstrated bike and ped interests), Philip Lenowitz (representative of the Neighborhood Advisory Committee) and Kristy Carter (representative of the Planning & Zoning Commission); will expire on July 1, 2016; and

WHEREAS, there currently exists a vacancy left by Don Kostelec (representing demonstrated bike and ped interests) until July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Bruce Emory, 9 Sandon Circle, Asheville, N.C., be and he is hereby reappointed, as a member of the Multimodal Transportation Commission (representing demonstrated transit interests), to serve an additional three-year term, term to expire July 1, 2019, or until his successor has been appointed.

(2) Terri March, 9 Woodvale Avenue, Asheville, N.C., be and she is hereby reappointed, as a member of the Multimodal Transportation Commission (representing demonstrated bike and ped interests), to serve an additional three-year term, term to expire July 1, 2019, or until her successor has been appointed.

(3) Philip Lenowitz, 111 Lakeshore Drive, Asheville, N.C. be and he is hereby reappointed, as a member of the Multimodal Transportation Commission (representing the Neighborhood Advisory Committee), to serve a three-year term, term to expire July 1, 2019, or until his successor has been appointed.

(4) Kristy Carter, 86-1/2 Langwell Avenue, Asheville, N.C., be and she is hereby reappointed, as a member of the Multimodal Transportation Commission (representing the Planning & Zoning Commission), to serve an additional three-year term, term to expire July 1, 2019, or until her successor has been appointed.

(5) David Nutter, 169 Flint Street, Asheville, N.C., be and he is hereby appointed, as a member of the Multimodal Transportation Commission (representing demonstrated greenway interests), to serve a three-year term, term to expire July 1, 2019, or until his successor has been appointed.

(6) Billie Lofland, 16 Spears Avenue, Asheville, N.C., be and she is hereby appointed, as a member of the Multimodal Transportation Commission (representing demonstrated bike and ped interests), to serve the unexpired term of Mr. Kostelec, term to begin immediately and expire July 1, 2018, or until her successor has been appointed.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 16-189

RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the terms of DeWayne Barton (representing 28806 or 28728 zip code) and Teddy Jordan (at-large representative) as members on the Neighborhood Advisory Committee, expire on July 1, 2016; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Pat Deck, 215 Aldersgate Circle, Asheville, N.C., be and she is hereby appointed to serve a three-year term (at-large member), term to expire July 1, 2019, or until her successor has been appointed.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bellamy
CITY CLERK

Edwin C. Martin
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bellamy
City Clerk

RESOLUTION NO. 16-190

RESOLUTION APPOINTING A MEMBER TO THE TREE COMMISSION

WHEREAS, due to the unexpected of Mr. Justin Price, there currently exists an unexpired term on the Tree Commission, term to expire December 31, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Diane Hillgrove, 12 Temple Avenue, Asheville, N.C., be and she is hereby appointed as a member to the Tree Commission to serve the unexpired term of Mr. Price, term to expire December 31, 2017, or until her successor has been appointed.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 16- 191

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A ONE YEAR CONTRACT EXTENSION WITH RIVERTOP CONTRACTING, INC. FOR THE PROJECT KNOWN AS DOWNTOWN CLEANING, CITY OF ASHEVILLE PROJECT # DC-16-01

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Downtown Cleaning, City of Asheville Project # DC-16-01; and

WHEREAS, Rivertop Contracting, Inc. of Swannanoa, NC has satisfactorily worked the current contract and

WHEREAS, the project involves the pressure washing of City owned sidewalks and removal of undesirable vegetation from City owned sidewalks, tree grates and curblines in the Central Business District; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a one year contract extension in the amount of $250,026.00 plus a contingency of 15% ($37,504) with Rivertop Contracting Inc. for the project known as Downtown Cleaning, City of Asheville Project # DC-16-01. The City Manager is also authorized to execute any change orders to said contract which may arise during the execution of said project up to the budgeted amount of $300,000.

Read, approved and adopted this the 9th day of August 2016.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-192

RESOLUTION AUTHORIZING CITY MANAGER TO ACQUIRE AND ACCEPT AN EASEMENT NEEDED TO INSTALL TWO TRAFFIC SIGNAL POLES FOR A TRAFFIC LIGHT AT VICTORIA ROAD AND FERNIHURST DRIVE FROM BUNCOMBE COUNTY

WHEREAS, the City of Asheville (City) is authorized pursuant to N.C. General Statutes, Sec. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, in order to install traffic control improvements at the intersection of Victoria Road and Fernihurst Drive, the City needs to obtain an easement from the property owner, Buncombe County; and

WHEREAS, Buncombe County approved the conveyance of this easement to the City of Asheville in a formal meeting of the Board of Commissioners on August 2, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be and is hereby authorized to execute any and all documents to acquire by gift, grant, device, exchange or otherwise, the utility easement needed for the traffic improvements at Victoria Road and Fernihurst Drive that falls within the meaning and intent of this authorization. The City Manager is further authorized to execute any and all documents necessary to give effect to this resolution, subject to approved by the City Attorney.

Read, approved and adopted this 9th day of August, 2016.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 16-193

RESOLUTION AUTHORIZING THE MAYOR TO ADOPT THE BUNCOMBE MADISON REGIONAL HAZARD MITIGATION PLAN

WHEREAS, The City of Asheville is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the City of Asheville desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the City of Asheville to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the City of Asheville to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the City of Asheville); and

WHEREAS, The City of Asheville in coordination with Buncombe County, Madison County, and the participating municipalities within those counties, has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials; and

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the Buncombe Madison Regional Hazard Mitigation Plan for legislative compliance and has approved the plan pending the completion of local adoption procedures;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to sign on behalf of the City Council of The City of Asheville and hereby:

1. Adopts the Buncombe Madison Regional Hazard Mitigation Plan; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

Read, approved and adopted this 9th day of August, 2016.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

RESOLUTION NO. 16-194

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC.. FOR THE PROJECT KNOWN AS CONCRETE MAINTENANCE AND ADA IMPROVEMENTS FISCAL YEAR 2017

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Concrete Maintenance and ADA Improvements FY17, City of Asheville Project # ST-16-17-001; and

WHEREAS, Patton Construction Group Inc. from Arden, NC was the lowest responsible bidder for the project, in the amount of $184,900.00, and

WHEREAS, the project involves the Repair of Concrete Infrastructure that has Been Damaged or is in Need of Maintenance; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $184,900 with Patton Construction Group Inc. for the project known as Concrete Maintenance and ADA Improvements, FY 17, City of Asheville Project # ST-16-17-001. The City Manager is also authorized to execute any change orders to said contract which may arise during the execution of said project up to the budgeted amount of $200,000.

Read, approved and adopted this the 9th day of August, 2016.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 16-195

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO FUND AND CONTINUE THE APD PUBLIC HOUSING UNIT.

WHEREAS, pursuant to N.C.G.S. §160A-461, any unit of local government and any other units of local government in this State may enter into agreements with each other in order to execute any undertaking; and

WHEREAS, the City and the Housing Authority of the City of Asheville desire to enter into an agreement to have the Asheville Police Department provide officers for the increased security and safety of the Authority's properties; and

WHEREAS, the Authority will be responsible for funding 4 officers for the unit which includes salary and benefits; and

WHEREAS, additional 5 officers to the public housing policing unit will be funded by the City to fully staff the ; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement on behalf of the City of Asheville with the Asheville Housing Authority to continue the APD Public Housing Unit, subject upon approval by the City Attorney's Office.

Read, approved and adopted this the 9th day of August, 2016.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 16- 196

RESOLUTION APPROVING FUNDING FOR THE CENTER FOR CRAFT, CREATIVITY & DESIGN TO FUND AN ARTSPACE MARKET AND FEASIBILITY ANALYSIS

WHEREAS, The City of Asheville recognizes the contribution of artists and the creative economy as key contributors to the viability and livability of the City; and

WHEREAS, The Center for Craft, Creativity & Design (CCCD) is a nationally recognized 501(c)(3) organization based in downtown Asheville, with the mission to advance the understanding of craft by encouraging and supporting research, critical dialogue, and professional development; and

WHEREAS, Artspace is a national nonprofit real estate developer that specializes in creating, owning, and operating affordable housing and studio space for artists and creative sector businesses; and

WHEREAS, CCCD proposes to contract with Artspace to conduct a market analysis and feasibility study that will assess the need for and available resources for affordable artist housing and workspace in Asheville; and

WHEREAS, CCCD has provided evidence of a strong partnership of community-based organizations and committed individuals who are supporting this effort with their time and financial resources;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council hereby approves funding in the amount of $25,000 to the Center for Craft, Creativity & Design for the purpose of engaging Artspace to conduct a Market and Feasibility Analysis;
2. The City Manager is hereby authorized to execute a contract with CCCD for this purpose, subject to the approval of the City Attorney.

Read, approved and adopted this 9th day of August, 2016.

Magdalen Burleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION 16-197

RESOLUTION SETTING A SPECIAL BOND REFERENDUM AND DIRECTING THE PUBLICATION OF NOTICE OF A SPECIAL BOND REFERENDUM AND NOTIFICATION OF THE BUNCOMBE COUNTY BOARD OF ELECTIONS

WHEREAS, the City Council of the City of Asheville, North Carolina has adopted the following bond orders and such bond orders should be submitted to the voters of the City of Asheville, North Carolina for their approval or disapproval in order to comply with the constitution and laws of North Carolina:

"BOND ORDER AUTHORIZING THE ISSUANCE OF $32,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;"

"BOND ORDER AUTHORIZING THE ISSUANCE OF $25,000,000 GENERAL OBLIGATION HOUSING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;" and

"BOND ORDER AUTHORIZING THE ISSUANCE OF $17,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;"

NOW, THEREFORE, be it resolved by the City Council (the "*City Council*") of the City of Asheville, North Carolina, as follows:

(1) For the purpose of determining the question whether the qualified voters of the City of Asheville, North Carolina shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the General Obligation Transportation Bonds of the City authorized by said bond order, which indebtedness shall be secured by a pledge of the City's full faith and credit and (b) the levy of a tax for the payment thereof, said bond order shall be submitted to the qualified voters of said City at a special bond referendum to be held in said City on November 8, 2016.

(2) For the purpose of determining the question whether the qualified voters of the City of Asheville, North Carolina shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the General Obligation Housing Bonds of the City authorized by said bond order, which indebtedness shall be secured by a pledge of the City's full faith and credit and (b) the levy of a tax for the payment thereof, said bond order shall be submitted to the qualified voters of said City at a special bond referendum to be held in said City on November 8, 2016.

(3) For the purpose of determining the question whether the qualified voters of the City of Asheville, North Carolina shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the General Obligation Parks and Recreation Bonds of the City authorized by said bond order, which indebtedness shall be secured by a pledge of the City's full faith and credit and (b) the levy of a tax for the payment thereof, said bond order shall be submitted to the qualified voters of said City at a special bond referendum to be held in said City on November 8, 2016.

(4) The City Clerk is hereby authorized and directed to publish a notice of said referendum which shall be in substantially the form entitled **"CITY OF ASHEVILLE, NORTH CAROLINA NOTICE OF SPECIAL BOND REFERENDUM,"** attached hereto. Said notice of referendum shall be published at least twice. The first publication shall be not less than 14 days, and the second publication shall be not less than 7 days before the last day on which voters may register for the special bond referendum.

(5) The Buncombe County Board of Elections is hereby requested to print and distribute the necessary ballots and to provide the equipment for the holding of said referendum and to conduct and to supervise said referendum.

(6) The ballots to be used at said referendum shall contain the following words:

"*SHALL* the order authorizing $32,000,000 of bonds plus interest to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, pedestrian and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; acquiring, constructing, extending and improving greenways, providing related landscaping, retaining walls, storm drainage and any other necessary improvements; and the acquisition of land and rights-of-way in land required therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?";

with squares labeled **"YES"** and **"NO"** beneath or beside such words in which squares the voter may record his or her choice on the question presented; and

"*SHALL* the order authorizing $25,000,000 of bonds plus interest to provide funds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto, and the relocation of City facilities to make land available for the construction of housing for persons of low income, or moderate income, or low and moderate income, and the acquisition of land and rights-of-way required therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?";

with squares labeled **"YES"** and **"NO"** beneath or beside such words in which squares the voter may record his or her choice on the question presented; and

"*SHALL* the order authorizing $17,000,000 of bonds plus interest to provide funds to pay the capital costs of infrastructure improvements for various parks and recreation facilities of the City, including the cost of related studies, plans and design, acquiring, constructing, reconstructing, improving, installing or providing storm drainage, grade and surface improvements, construction, reconstruction and improvements of recreation fields; construction, reconstruction and improvements of restroom facilities; sidewalks, bike paths and pedestrian trails; paving, resurfacing, grading or improving parking lots, roads and intersections, providing public open space, landscaping and lighting, and acquiring any necessary equipment, land, interests in land and rights-of-way therefor, and

providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?";

with squares labeled **"YES"** and **"NO"** beneath or beside such words in which squares the voter may record his or her choice on the question presented;

(7) The City Clerk shall mail or deliver a certified copy of this resolution to the Buncombe County Board of Elections within three days after this resolution is adopted.

BE IT FURTHER RESOLVED that this Resolution shall become effective on the date of its adoption.

Read, approved and adopted this 9th day of August, 2016.

Magdalen Bullen
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bullen
City Clerk

CITY OF ASHEVILLE, NORTH CAROLINA
NOTICE OF SPECIAL BOND REFERENDUM

NOTICE IS HEREBY GIVEN of intention of the undersigned to call for a referendum on November 8, 2016, to approve the issuance of bonds of the City of Asheville, North Carolina which shall be for the following purposes and in the following maximum amount.

$32,000,000 of bonds to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, pedestrian and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; acquiring, constructing, extending and improving greenways, providing related landscaping, retaining walls, storm drainage and any other necessary improvements; and the acquisition of land and rights-of-way in land required therefor;

$25,000,000 of bonds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto, and the relocation of City facilities to make land available for the construction of housing for persons of low income, or moderate income, or low and moderate income, and the acquisition of land and rights-of-way required therefor; and

$17,000,000 of bonds to provide funds to pay the capital costs of infrastructure improvements for various parks and recreation facilities of the City, including the cost of related studies, plans and design, acquiring, constructing, reconstructing, improving, installing or providing storm drainage, grade and surface improvements, construction, reconstruction and improvements of recreation fields; construction, reconstruction and improvements of restroom facilities; sidewalks, bike paths and pedestrian trails; paving, resurfacing, grading or improving parking lots, roads and intersections, providing public open space, landscaping and lighting, and acquiring any necessary equipment, land, interests in land and rights-of-way therefor.

A tax sufficient to pay the principal of and interest on said bonds when due will be annually levied and collected. At said referendum the questions shall be stated whether the order authorizing bonds for each of the purposes stated above shall be approved. The last day for registration for the referendum is October 14, 2016.

CITY OF ASHEVILLE, NORTH CAROLINA

/s/ Magdalen Burleson
City Clerk
City of Asheville, North Carolina

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RESOLUTION NO. 16-198

RESOLUTION APPOINTING A MEMBER TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, Mr. Lawrence Pittman has resigned from the Sustainability Advisory Committee on Energy & the Environment, thus leaving an unexpired term until December 31, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Bridget Herring, 35 Erskine Avenue, Asheville, N.C., be and she is hereby appointed as a member to the Sustainability Advisory Committee on Energy & the Environment, to serve the unexpired term of Mr. Pittman, term to expire December 31, 2018, or until her successor has been appointed.

Read, approved and adopted this 9th day of August, 2016.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 16- 199

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CLIPS BEER & FILM TOUR ON THE DATE OF FRIDAY, AUGUST 26, 2016, FROM 6:30 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Clips Beer & Film Tour.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Clips Beer & Film Tour event area, as set forth in Exhibit A, attached.

   The Clips Beer & Film Tour event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Clips Beer & Film Tour on Friday, August 26, 2016 from 6:30 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Clips Beer & Film Tour event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Clips Beer & Film Tour event

area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Clips Beer & Film Tour, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of August, 2016.

Magdalen Bowleson
CITY CLERK

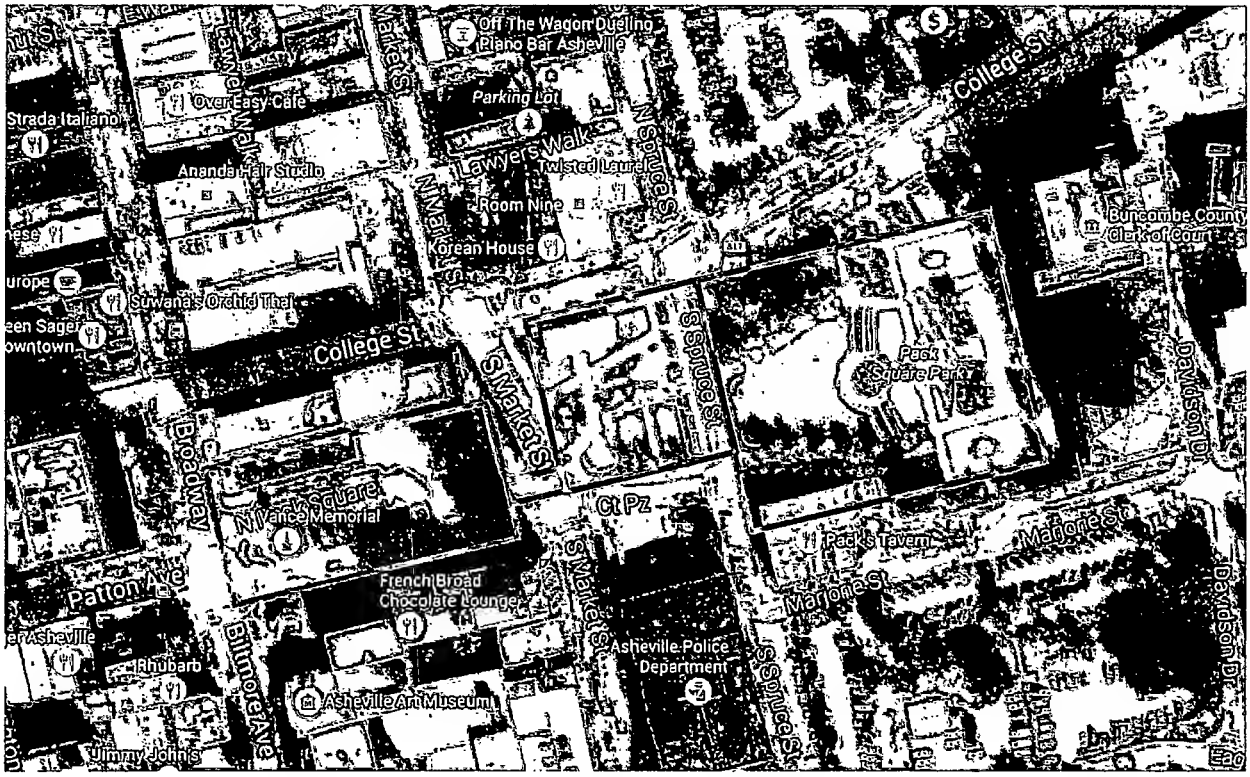
Edwin G. Mu
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

EXHIBIT A


Off The Wagon Dueling Piano Bar Asheville
Parking Lot
Over Easy Cafe
Strada Italiano
Ananda Hair Studio
Lawyers Walk
Twisted Laurel
Room Nine
Korean House
College St
Buncombe County Clerk of Court
Pack Square Park
Suwanas Orchid Thai
N Vance Memorial
Ct Pz
Broadway
Patton Ave
French Broad Chocolate Lounge
Pack's Tavern
Magnolia St
Asheville Police Department
Rhubarb
Asheville Art Museum
Jimmy John's
N Market St
S Market St
S Spruce St
N Spruce St
Davidson Dr

158

RESOLUTION NO. 16- 200

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWGRASS FESTIVAL ON THE DATE OF SATURDAY, SEPTEMBER 17, 2016, FROM 1:00 PM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Brewgrass event area, as set forth in Exhibit A, attached.

   The Brewgrass Festival event area is within the boundaries of Memorial Stadium including a fenced extension onto adjacent City property.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Brewgrass Festival on Saturday, September 17, 2016 from 1:00 PM – 7:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Brewgrass Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Brewgrass Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Brewgrass Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages

and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of August, 2016.

Magdalen Bourleson
CITY CLERK

Ellen E. Marks
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

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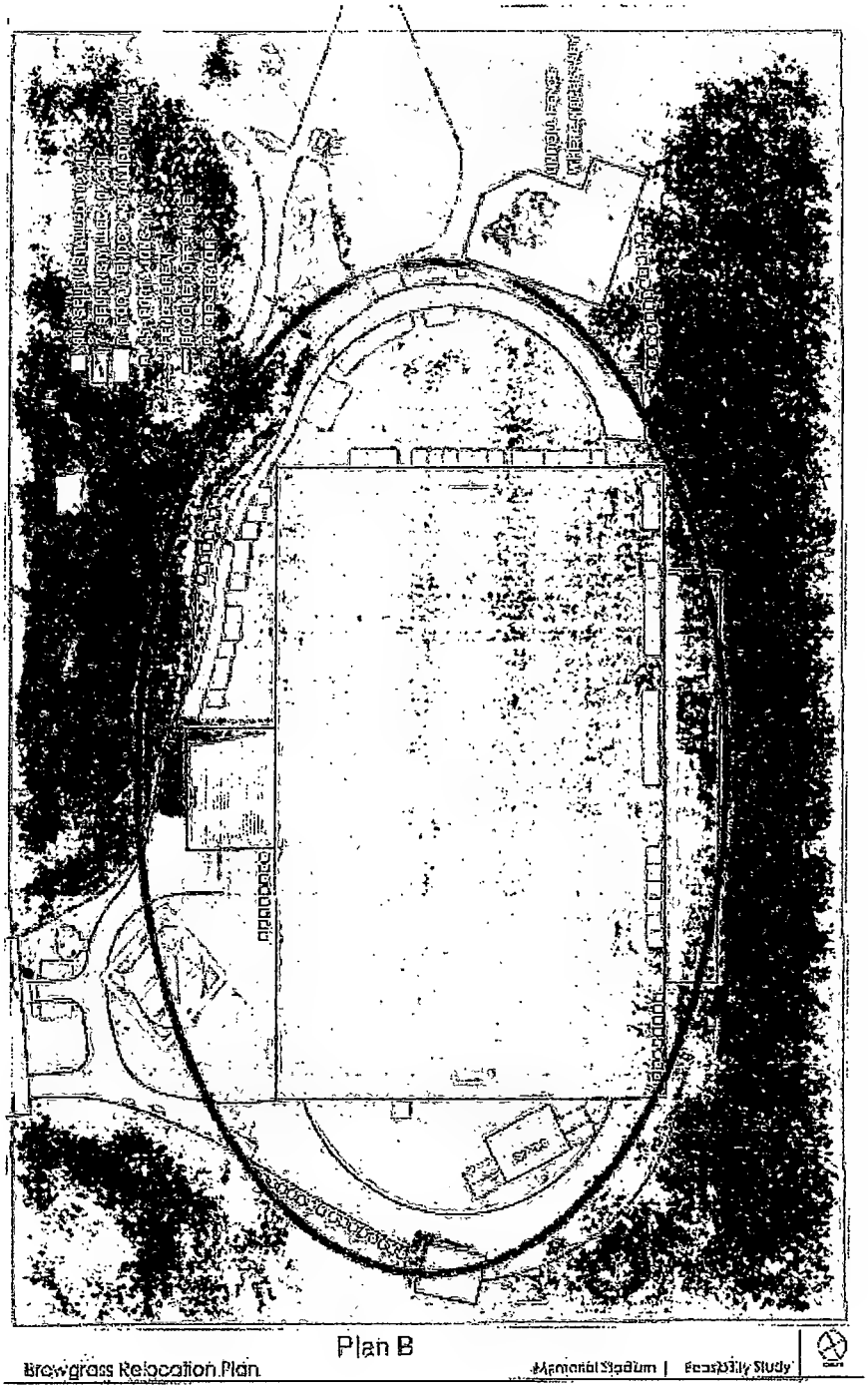
EXHIBIT A



RESOLUTION NO. 16- 201

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT RIVERMUSIC ON THE DATES OF FRIDAY, SEPTEMBER 9, 2016, AND FRIDAY, OCTOBER 7, 2016, FROM 5:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at RiverMusic.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the RiverMusic event area, as set forth in Exhibit A, attached.

   The RiverMusic event area is within the boundaries of Carrier Park's interior track field, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for RiverMusic on Friday, September 9 and Friday, October 7, 2016 from 5:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the RiverMusic event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the RiverMusic event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of RiverMusic, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of August, 2016.

Magdalen Bouleson
CITY CLERK

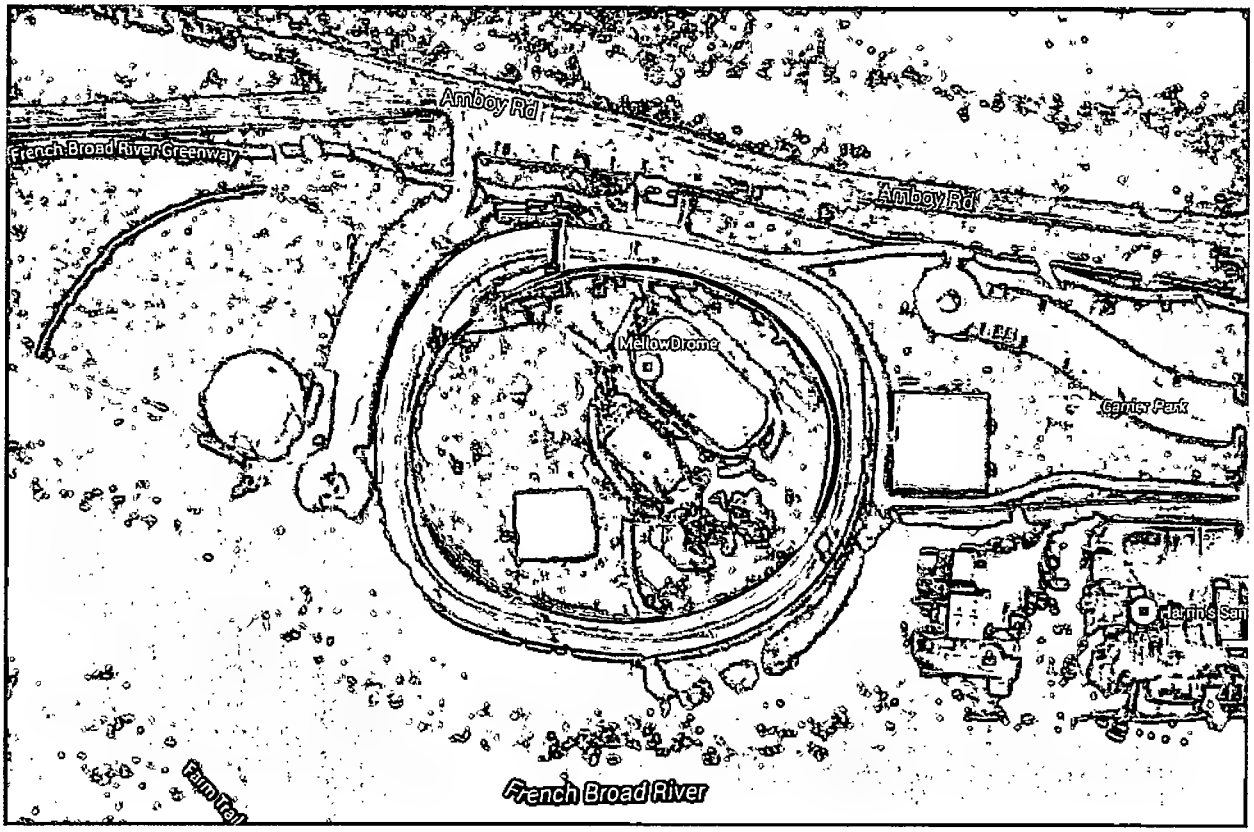
Edwin G. Mayer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

EXHIBIT A


Amboy Rd
French Broad River Greenway
Amboy Rd
Mellow Drome
Garner Park
French Broad River

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RESOLUTION NO. 16 - 202

RESOLUTION ACCEPTING AN EXTENSION OF NANCY STREET AS A CITY STREET

WHEREAS, pursuant to NCGS § 160A-296, the City of Asheville has general authority and control over all public streets within its jurisdiction, including the power to acquire streets through dedication and acceptance; and

WHEREAS, the extension of Nancy Street is located within the corporate limits of the City of Asheville; and

WHEREAS, the extension of Nancy Street has been offered for dedication to the City for public use; and

WHEREAS, the extension of Nancy Street was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the city is responsible for repairing any major failures to the extension of Nancy Street including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the right-of-way width of 30 feet for the extension of Nancy Street has been recorded in Plat Book 183 Page 196;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville accepts an extension of Nancy Street as a City Street, as indicated on the attached map section.

Read, approved and adopted this 6th day of September, 2016.

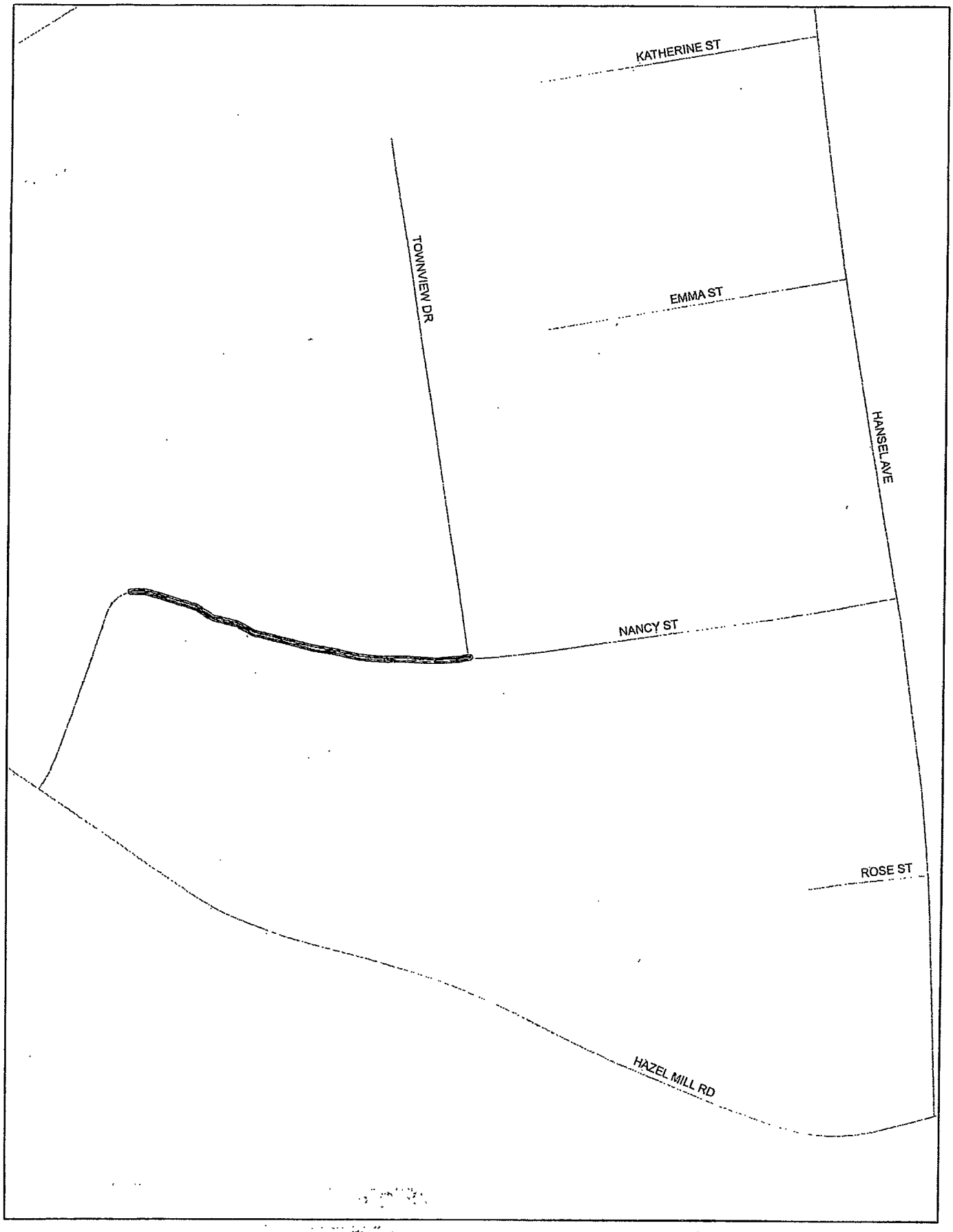
Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk


KATHERINE ST
TOWNVIEW DR
EMMA ST
HANSELAVE
NANCY ST
ROSE ST
HAZEL MILL RD

166

RESOLUTION NO. 16-203

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE TO STAFF AND CONTINUE THE DRUG ENFORCEMENT AGENCY ASHEVILLE DUTY POST TASK FORCE

WHEREAS, pursuant to N.C.G.S. §160A-11, municipalities may contract and be contracted with; and

WHEREAS, the City and the United States Department of Justice Drug Enforcement Agency ("DEA") desire to enter into an agreement whereby the Asheville Police Department will provide an officer to work full-time with the DEA's Asheville Duty Post Task Force ("the Task Force"); and

WHEREAS, the DEA will be responsible for the Task Force's funding, training, office supplies and necessary investigatory equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement on behalf of the City of Asheville with the DEA whereby the City will provide one officer to work full-time with the DEA's Asheville Duty Post Task Force.

Read, approved and adopted this the 6th day of September, 2016.

Magdalen Bowlson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16- 204

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE FARM TO TABLE DINNER ON THE DATE OF THURSDAY, SEPTMBER 8, 2016 FROM 6:00 PM – 9:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Farm to Table Dinner.

NOW, THEREFORE, BE IT RESCLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Farm to Table Dinner event area, as set forth in Exhibit A, attached.

   The Farm to Table Dinner event area is within the boundaries of Boston Way between the intersections of Kitchin Place/Biltmore Plaza and Swan Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Farm to Table Dinner on Thursday, September 8, 2016 from 6:00 p.m. – 9:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Farm to Table Dinner event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Farm to Table Dinner event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville

4. The location of the Farm to Table Dinner, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 6th day of September, 2016.

Magdalen Bourleson
CITY CLERK

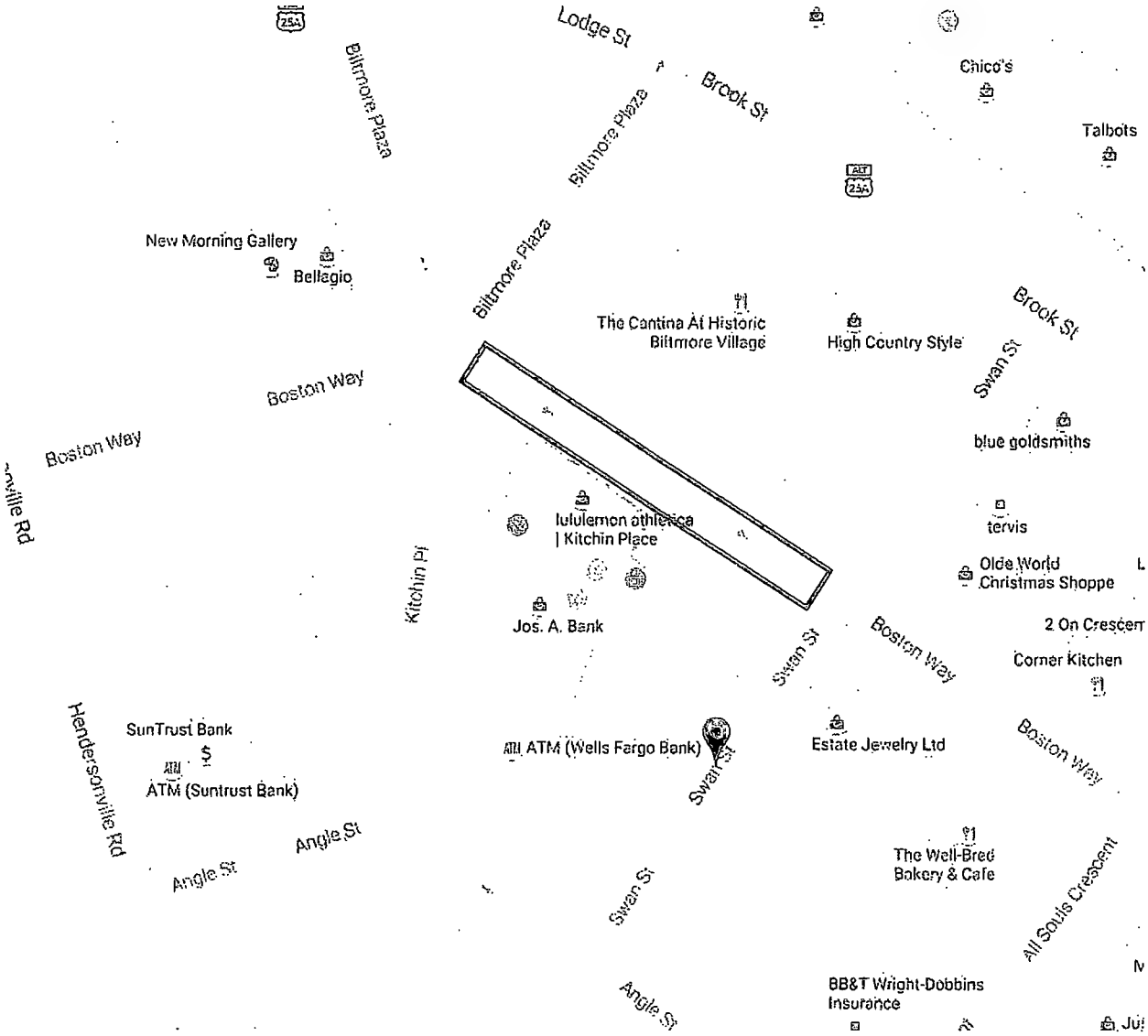
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

EXHIBIT A


Lodge St
Biltmore Plaza
Brook St
Biltmore Plaza
Chico's
Talbots
New Morning Gallery
Bellagio
Biltmore Plaza
The Cantina At Historic Biltmore Village
High Country Style
Brook St
Swan St
Boston Way
Boston Way
blue goldsmiths
lululemon athletica | Kitchin Place
tervis
Kitchin Pl
Olde World Christmas Shoppe
Jos. A. Bank
Swan St
Boston Way
2 On Crescent
Corner Kitchen
Hendersonville Rd
SunTrust Bank
ATM (Suntrust Bank)
ATM (Wells Fargo Bank)
Swan St
Estate Jewelry Ltd
Boston Way
Angle St
Angle St
The Well-Bred Bakery & Cafe
All Souls Crescent
Swan St
Angle St
BB&T Wright-Dobbins Insurance

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RESOLUTION NO. 16- 205

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ANNIVERSARY PARTY ON THE DATE OF SATURDAY, SEPTEMBER 24, 2016 FROM 4:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Anniversary Party.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Anniversary Party event area, as set forth in Exhibit A, attached.

   The Anniversary Party event area is within the boundaries of East Walnut Street between the intersections of Lawyers Walk and North Market Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Anniversary Party on Saturday, September 24, 2016 from 4:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Anniversary Party event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Anniversary Party event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Anniversary Party, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages

and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 6th day of September, 2016.

Magdalen Bouleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

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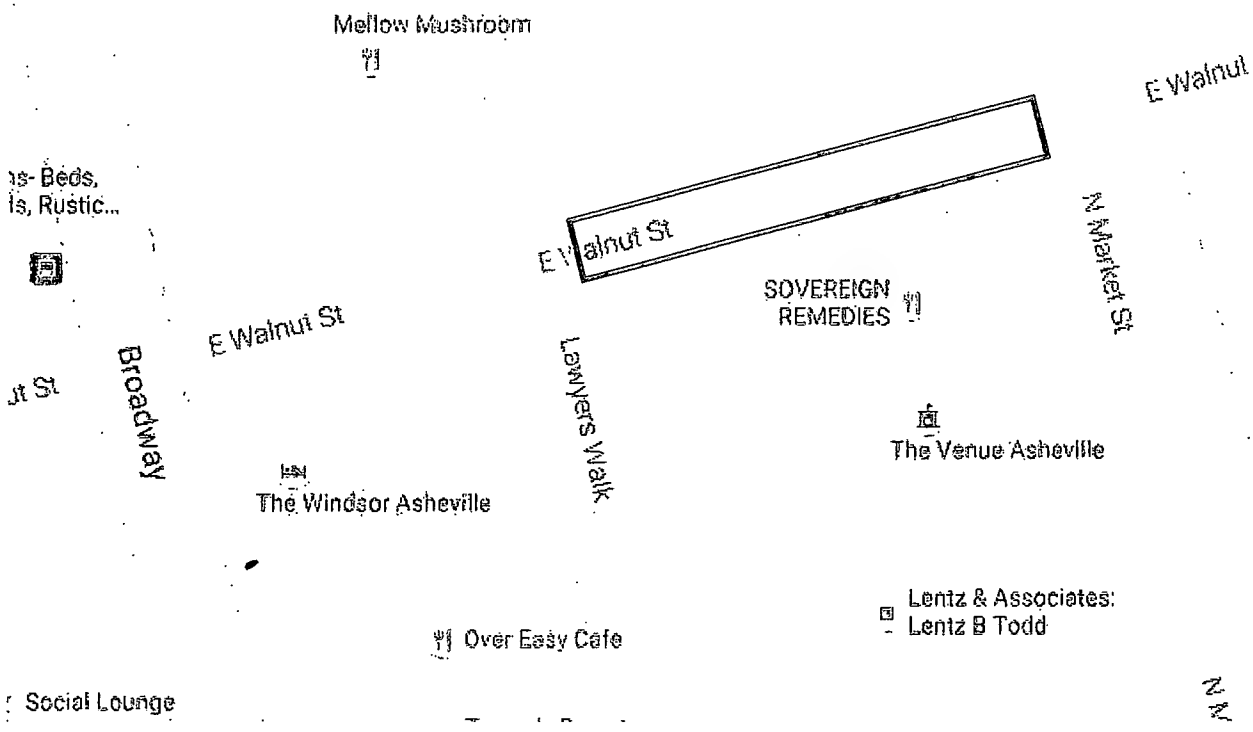
EXHIBIT A



RESOLUTION NO. 16- 206

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT OKTOBERFEST ON THE DATE OF SATURDAY, OCTOBER 8, 2016 FROM 1:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Oktoberfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Oktoberfest event area, as set forth in Exhibit A, attached.

   The Oktoberfest event area is within the boundaries of the Roger McGuire Green at Pack Square Park, South Spruce Street between the intersections of College Street and Court Plaza, and the City-County parking lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Oktoberfest on Saturday, October 8, 2016 from 1:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Oktoberfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Oktoberfest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Oktoberfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 6th day of September, 2016.

Magdalen Bourleson
CITY CLERK

Edna E Mc
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

EXHIBIT A

Off The Wagon Dueling Piano Bar Asheville
Parking Lot
Over Easy Cafe
Strada Italiano
Lawyers Walk
Twisted Laurel
Ananda Hair Studio
Room Nine
Korean House
Swannanoa Orchid Thai
College St
Pack Square Park
Buncombe County Clerk of Court
N Vance Memorial
Ct Pz
Pack's Tavern
Patton Ave
French Broad Chocolate Lounge
Asheville Police Department
Rhubarb
Asheville Art Museum
Jimmy John's
Lexington Ave
Biltmore Ave
Market St
Spruce St
Davidson Dr
Majorie St

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RESOLUTION NO. 16-207

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PINNACLE LANDSCAPES, LLC FOR THE PROJECT KNOWN AS 2016 MEDIAN MAINTENANCE PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, maintenance of median and bulb out locations in the City are needed for the project known as the 2016 Median Maintenance Project; and

WHEREAS, Pinnacle Landscapes, LLC, Asheville, NC was the lowest responsive, responsible bidder for the project; and

WHEREAS, Pinnacle Landscapes, LLC shall furnish all labor, material, equipment, supervision, permits and insurance necessary to implement the median improvements including all clearing, grubbing, and disposal of all clearing debris, planting of the areas within the design documents, including installation of trees, shrubs, ground covers, herbaceous plants and bulbs, seeding or sodding or lawn areas, and all other associated activities including traffic control and associated items and activities as described in the service contract; and

WHEREAS, this contract is for 1 year, but the City of Asheville may elect to renew this agreement for two (2) additional twelve (12) month periods; and

WHEREAS, the amount of the Agreement is $110,849.00 and the monies have been budgeted in the City's FY 2016-17 budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Pinnacle Landscapes, LLC for $110,849.00 plus 20% contingency for construction services for the project known as 2016 Median Maintenance Project, City of Asheville Project # CPM-15-16-003, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount of $133,018.80.

Read, approved and adopted this the 6th day of September, 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-208

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE TRANSIT PLANNING PROGRAM, SECTION 5303 METROPOLITAN PLANNING PROGRAM OF THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, funds for FY 2016-17 are available from the North Carolina Department of Transportation (NCDOT) through the Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program; and

WHEREAS, the City of Asheville has received financial assistance in the amount of $75,000 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $7,500; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to fund the transit planning program, Section 5303 Metropolitan Planning Program of the Federal Transit Administration (FTA) for FY 2016-17.

Read, approved and adopted this 6th day of September 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

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RESOLUTION NO. 16-209

RESOLUTION TO ACCEPT 2015-2016 CONTINUUM OF CARE GRANT FUNDS

WHEREAS, the U.S. Department of Housing and Urban Development has allocated Continuum of Care (CoC) funds for FY 16; and

WHEREAS, the NC-501 Asheville-Buncombe Continuum of Care has consistently received CoC funds; and

WHEREAS, the City of Asheville has submitted Homeless Information Management System (HMIS) and CoC Planning Grant applications; and

WHEREAS, the U.S. Department of Housing and Urban Development has awarded a $67,500 HMIS Grant and a $35,892 CoC Planning Grant to the City of Asheville for FY16;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager be and he is hereby authorized to sign all necessary documents with the U.S. Department of Housing and Urban Development to accept the 2015-16 Continuum of Care Grant funds.

Read, approved and adopted the 6th day of September, 2016.

Magdalen Bowleson
CITY CLERK

Edwin C. Mc
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 16-210

RESOLUTION TO APPLY FOR THE FISCAL YEAR 2016-17 CONTINUUM OF CARE GRANT AND ACCEPT ANY SUBSEQUENT AWARD FOR PROJECT FUNDING

WHEREAS, the U.S. Department of Housing and Urban Development will allocate Continuum of Care (CoC) funds to applicants in the FY 2016 Competition; and

WHEREAS, NC-501 Asheville-Buncombe Continuum of Care has consistently received CoC funds; and

WHEREAS, the City of Asheville has agreed to serve as the CoC Lead with the responsibility for submitting the NC-501 Continuum of Care Collaborative Application; and

WHEREAS, the U.S. Department of Housing and Urban Development has made NC-501 Continuum of Care eligible to apply for $1,264,607 in CoC funding for FY 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville approve the application for the Continuum of Care Collaborative Application and any subsequent award; and

2. The City Manager be and he is hereby authorized to sign all necessary applications and contract documents with the U.S. Department of Housing and Urban Development for the Continuum of Care, and to accept any subsequent grant award.

Read, approved and adopted the 6th day of September, 2016.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-211

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GUARD-ONE PROTECTIVE SERVICES TO PROVIDE SECURITY GUARD SERVICES AT ASHEVILLE CITY HALL AND CITY PUBLIC WORKS / PERMIT CENTER LOCATIONS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, in April 2016, the City of Asheville solicited Bid #298-City-Hall-Security for security guard services for Asheville City Hall and selected Guard-One Protective Services as the most qualified and responsive bid to retain said services;

WHEREAS, the City of Asheville seeks to provide security services at the Asheville Public Works / Permit Center location and based upon the City bid for guard services for Asheville City Hall, Guard-One Protective Services is the most qualified and responsive firm to retain said services;

WHEREAS, the City of Asheville seeks to enter into a contract effective July 1, 2016 through June 30, 2017 with Guard-One Protective Services to provide security guard services at Asheville City Hall and Asheville Public Works / Permit Center locations in the amount of $16.95 per hour, per guard for a total annual amount not-to-exceed $140,000.00; and

WHEREAS, the City of Asheville seeks to exercise the option to renew a contract with Guard-One Protective Services to provide security guard services at Asheville City Hall and the Asheville Public Works / Permit Center locations annually for four years after the term of the Fiscal Year 2017 contract, pending annual budget approval by the Asheville City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a general services contract with Guard-One Protective Services to provide security guard services for Asheville City Hall and Asheville Public Works / Permit Center in an amount not-to-exceed $140,000.00 annually and is further authorized to execute change orders to said contract which may arise during said project up to the budgeted amount.

Read, approved and adopted this the 6th day of September, 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-212

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TEMPORARY SERVICES AGREEMENT WITH THE CITY OF ASHEVILLE AND FIRST, INC.

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with other entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the City has a need for temporary laborers based on certain short term needs of various City departments including but not limited to leaf pickup, special events, and general maintenance; and

WHEREAS, the agreement is for an initial term of two (2) years with the option of continuation for two (2) additional one (1) year terms for an amount not to exceed $330,000 per each fiscal year, contingent upon Council budgetary approval, and the monies for year one have been appropriated in the City's FY2016/2017 operations budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a two-year contract with the option of continuation for two (2) additional one (1) year terms for an amount not to exceed $330,000 per each fiscal year, which is contingent upon Council budgetary approval, on behalf of the City of Asheville with FIRST, Inc. to provide temporary workers on an as needed basis. The City Manager shall also be authorized to initiate any change orders up to the yearly budgeted amount.

Read, approved and adopted this 6th day of September, 2016.

Magdalen Bowlerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 16-213

RESOLUTION AUTHORIZING THE EXECUTION BY THE MAYOR OF A FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT FOR PROJECT NO. 3-37-0005-047-2016

WHEREAS, the City of Asheville has the authority pursuant to G. S. 160A-17.1 to apply for and received grants from the federal government, and to enter into agreements as to the administration of such grants; and

WHEREAS, the Federal Aviation Administration ("FAA") offered a grant agreement to the Greater Asheville Regional Airport Authority ("Airport") in an amount of $1,409,189 for the Airport Project to Rehabilitate Runway (Phase 5 Site Preparation and NAVAIDs Installation, Permanent Runway 17/35), Acquire Aircraft Rescue and Firefighting Vehicle (1,500 gallon); and

WHEREAS, the City of Asheville and the County of Buncombe are co-sponsors of the grant agreement; and

WHEREAS, the FAA requires each sponsor to execute said grant agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby authorizes the execution by the Mayor of a FAA Grant Agreement for Project No. 3-37-0005-047-2016 in an amount of $1,409,189.

Read, approved and adopted this 6th day of September, 2016.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16- 214

RESOLUTION AUTHORIZING THE APPROVAL OF THE SELECTION OF TRIBUTE COMPANIES AS DEVELOPER FOR THE 338 HILLIARD AVENUE CITY-OWNED PROPERTY AND AUTHORIZE THE CITY MANAGER TO ENTER INTO NEGOTIATIONS FOR REDEVELOPMENT OF CITY OWNED PROPERTY AT 338 HILLIARD AVENUE

WHEREAS, the City of Asheville (City), owns real property that it has identified as having potential for redevelopment to better meet the priorities established by City Council and in various adopted City plans; and

WHEREAS, this property is located at 338 Hilliard Avenue, and has been identified by City Council and staff as a valuable site for location of affordable and workforce housing; and

WHEREAS, the City solicited proposals from interested and qualified developers for the identified property and these proposals have been evaluated to determine responsiveness to the RFP; and

WHEREAS, the City Council Housing and Community Committee has received a staff report which analyzed the proposals; and

WHEREAS, the City Council Housing and Community Development Committee recommends that City Council approve the selection of Tribute Companies as developer for the 338 Hilliard Avenue City-owned property, and that the City Manager negotiate the terms of disposition and performance, for further Council approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council hereby approves the selection of Tribute Companies as the developer for the City-owned property at 338 Hilliard Avenue;
2. The City Manager is hereby authorized to negotiate the terms of disposition and use of the property, for further review and action by City Council. .

Read, approved and adopted this 6th day of September, 2016.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-215

RESOLUTION ADOPTING CITY COUNCIL'S 2016 - 2017 STRATEGIC PRIORITIES

WHEREAS, the Asheville City Council recognizes the importance of strategic leadership in achieving the mission of the City of Asheville; and

WHEREAS, achieving our mission of creating a sustainable, quality of life community requires vision, goal setting, and strategic priorities; and

WHEREAS, the City Council met in January 2016 in a strategic planning retreat; and

WHEREAS, the City Manager will produce a comprehensive quarterly report and Committee Chairs will produce updates on policy initiatives designed to further achievement of strategic priorities;

WHEREAS, the City Council received input from each member, discussed the alternatives and established strategic priorities;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Affirms its strategic priorities to ensure that Asheville is a City that is:

- A Diverse Community
- A Well-Planned and Livable Community
- A Clean and Healthy Environment
- Quality Affordable Housing
- Transportation and Accessibility
- Thriving Local Economy
- Connected and Engaged Community
- A Smart City

BE IT FURTHER RESOLVED THAT:

The City Council adopts the goals and priorities as described in Exhibit "A" for 2016-2017.

Read, approved and adopted this 6th day of September 2016.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

A Diverse Community

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 1. Institute a racial equity toolkit (per the Governmental Alliance on Race and Equity	Without intentional intervention, institutions will continue to perpetuate racial inequity. By implementing the GARE tool kit, Asheville City Government can more strategically allocate and measure the impact of resources and investments allocated to programs and infrastructure. Some of the factors that must be considered include current resourcing and programs that are in place and systems to measure success.	Gary Jackson	Governance/Boards and Commissions	Allocate funding for a program manager and GARE association costs and services.
				Benchmark Human Relations Commissions, review potential tasks for inclusion, submit for consideration via Boards and Commissions Committee
				Hire Program Manager
				Complete the Disparity Study
				Design a program that fits Asheville's unique neighborhood demographics and character based on benchmarking other communities. Build upon equitable development strategy completed in 2015 and other previous initiatives.
				Include accomplishments in financial quarterly reporting

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 2: Review goals and programming in Parks & Recreation and determine the role that it should play in meeting needs of citizens and achieving racial equity	Parks and Recreation departments play an important role in maximizing equitable access to recreation and leisure services across the city. Success will depend on full engagement of the community and decision-makers in articulating the vision for Parks & Recreation programs and services.	Paul Fetherston/Roderick Simmons	Parksa and Recreation Board/PED or HCD	Hold work session with Council to present the department's operations broadly *and* with respect to racial equity
				Design a multi-channel, inclusive public engagement process to gather input on preferences for the role that Parks & Recreation plays within the community
				Present input to Parks & Recreation Board.
				Hold work session with Council to review the input and recommendations of priorities as proposed by the Parks & Recreation Board
				Budget according to council policy direction

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 3: Develop/formalize partnerships to support Asheville City Schools and programs that close the achievement gap	Research indicates that quality after school programs can have a positive impact on closing achievement gaps. City Council values the use of partnership strategies in creating a community where all people can realize their full potential.	Jaime Matthews	Finance	Report on current city funding and resources dedicated to programs that support achievement in Asheville City Schools
				Convene stakeholder group to discuss options for partnership agreement moving forward.
				Continue support for programs and initiatives to reduce the achievement gap through consideration during the budget process
				Provide benchmarking to Finance Committee for development of a multiyear funding strategy

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 4: In partnership w/others, participate in community dialogue and potential strategies to honor history and contributions of the African American community in Asheville, beginning with a community led effort to install a monument to African American heritage	African-American heritage is an important aspect of the history and culture of Asheville. To ensure the success of honoring that heritage and meeting community expectations, the best way for the City of Asheville to engage is in a support role.	Roderick Simmons	Governance	Continue facilitation and support of the African American Heritage Commission .
				Status report from Commission to Council Governance Committee
				Continue support of planning for an African American Heritage monument; consider CIP Allocation.
				Update from Commission on program planning to Council Governance Committee.

A Well Planned and Livable Community

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 5: Revisit Food Action Plan and achieve clarity regarding goals, strategies, and timetables	On January 22, 2013, Asheville City Council passed a resolution establishing the City of Asheville's Food Action Plan in support of the Asheville Buncombe Food Policy agenda. The purpose of this effort is to revisit the Plan to give clarity to outstanding action items, prioritize those items, establish timetables, and develop a strategy for moving forward. This initiative will help to ensure that Council and staff have clarity regarding the implementation process.	Cathy Ball/Amber Weaver	SACEE/PED	Update Council on progress on Food Policy Action Plan and analysis of barriers to the completion of remaining items
				Work with staff and stakeholders to explore program options
				Present update and recommendations to PED
				Create web page for urban agriculture to communicate progress, ongoing programs, and homeowner education
				Convene stakeholders to review program direction
				Bring annual report and stakeholder input to SACEE, then to PED and then to Council for direction
				Convene stakeholder group to reassess Food Action Plan and recommend updates to Council
				Present annual report and recommended updates to Council for approval
Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 6: Revise the Comprehensive Plan	The purpose of the Comprehensive Plan is to set forth goals and policies for sustainable growth and development over the next 10-20 years and beyond. The plan will establish a vision for Asheville and include policy guidance, reflecting the community's vision for the location and form of future development, while ensuring sufficient infrastructure, parks, and other community services.	Todd Okolichany/Stacy Merton	Planning and Zoning/PED	Kick-off project
				Form and appoint Advisory Group
				Launch Open City Hall website and smart phone app
				Hold public workshop #1
				Hold public workshop #2
				Hold public workshop #3
				Report to Planning and Zoning and PED
				Adopt Final Comprehensive Plan
				Establish a bi-annual review to revisit and evaluate the Comprehensive Plan to evaluate progress, identify opportunities, assess workload, and to identify changes in the community that may be related to the plan

Goal	Rationale and Considerations	Staff	Board/Commission	Key Tasks/Activities
Goal 7: Implement an effective neighborhood planning process that includes making resources and expertise available to neighborhoods so that their input into the Comprehensive Planning process is effective	Asheville's neighborhoods are well organized and visionary. The upcoming Comprehensive Planning process creates a need for organized input from neighborhoods. We have created a Plan on a Page template to help neighborhoods efficiently provide input on the Compre-hensive Plan. Community plans are always based on neighborhood input, so Plan on a Page is a helpful tool in providing a quality comprehensive plan. Several neighborhoods have expressed interest in undertaking their own neighborhood level plans. To that end, this action plan includes strategies for empowering neighborhoods to complete their own plans and provide them with necessary tools. Due to resource constraints, this more in-depth neighborhood planning will be encouraged after the comprehensive planning process.	Todd/Okolichany/Marsha Stickford	NAC/PED	Conduct Plan on a Page workshop for neighborhoods Consider funding allocation for Festival of Neighborhoods Meet with Coalition of Asheville Neighborhoods Hold drop-in Plan on a Page assistance workshop Hold meetings in five areas of the City to solicit input on the comprehensive plan Create model template and resources for neighborhoods to use to prepare their own neighborhood level plans. Make them available on our website and encourage neighborhoods to use them.
Goal	Rationale and Considerations	Staff	Board/Commission	Key Tasks/Activities
Goal 8: Develop a plan for Haywood Street land use and implement as appropriate	Council has directed staff to develop a community vision for the use of the city-owned property engaging stakeholders and the broad community. Council has entered into an agreement with the Asheville Design Center to facilitate a community visioning process. The development of a plan will ensure that staff and Council are clear on how the visioning process will occur and what will happen once the visioning process is complete.	Todd Okolichany	PED	Council enters into agreement with ADC to facilitate community visioning process for Haywood Street property Conduct public engagement processes Share results of community vision effort with Council for direction If directed by Council, solicit site plan and cost estimate for Haywood Street Land Use through a design competition or other process based on this community criteria Plans vetted by Advisory Team for consideration and recommendation Share summary considerations with Council for direction and funding of selected plan Based on Council direction to move forward with a specific plan Seek community partnerships to fund the project

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 9a: Downtown Master Plan Update	The downtown master plan needs to be updated to include recent community concerns about management of public spaces, enhancement of community character and neighborhoods, and expanded options for place-making considered at a range of scales from the entire downtown to the neighborhood level. This process will culminate with an update to the design guidelines, which include character-defining items based on the neighborhood scale and reflected in the processes for development review.	Todd Okolichany/Alan Glines	Downtown Commission/PED	Convene downtown commission as a major stakeholder and review process, timeline, and major steps
				Request funding in the FY2017 budget process for consultant fees for specific tasks related to the project.
				Meet with community stakeholders, neighborhoods, and organizations for a listening tour and provide web-based outreach on City's website and Open City Hall
				Organize a community-wide meeting to review major themes of the Downtown Master Plan and solicit community feedback on other review themes that have been identified for updates
				Staff to create and present a summary report to the downtown commission for comment and clarification. Formulate draft plan based on this feedback.
				Hold feedback meeting to present results to community, inviting stakeholders through outreach and communication efforts
				Finalize the draft master plan update and streetscape sections and present to Planning Commission, PED and Council for adoption
				Present draft guidelines to Downtown Commission for recommendation and Council for adoption
				Establish a bi-annual review to revisit and evaluate the Master Plan to evaluate progress, identify opportunities, assess workload, and to identify changes in the community that may be related to the plan

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 9b: Develop the South Slope Extension Innovation District/Charlotte Street Innovation District (to start in 1-2018)		Todd Okolichany/Shannon Tuch	PED	Budget for either new staff member or consultant work
				Present scope to Council for concurrence
				Conduct listening tour for stakeholders/partners
				Conduct community visioning meeting
				Acquire Council feedback through committee and begin to secure funding, including any budget discussion
				Finalize Plan, hold final public meeting
				Present plan and implementation concepts to Council for approval
				Council adopts budget
				Begin plan implementation
				Establish a bi-annual review to revisit and evaluate the Master Plan to evaluate progress, identify opportunities, assess workload, and to identify changes in the community that may be related to the plan
Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 9d: Implement the River Arts Innovation District		Cathy Ball/Stephanie Monson Dahl	Riverfront Redevelopment Commission/PED	Consider adoption of Form Based Code
				Kick off formal stage of partnership outreach for Innovation District
				Begin construction on TIGERVI project components
				Report to Council on potential collaborations with partners to leverage city infrastructure investments

A Clean and Healthy Environment

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 10a: Implement Zero Waste Asheville, including effective implementation of a pilot program and change management strategies for Pay As You Throw	Acquiring property on which to locate and expand landfills becomes increasingly challenging as property values increase. The City wishes to reduce the amount of refuse that is disposed of in landfills and increase materials that are recycled and composted. These measures are important not only in promoting good land-use, but in improving environmental sustainability within our community.	Cathy Ball/Amber Weaver	SACEE/PED	Reassess current service levels for solid waste collections and recycling programs. Council consideration of best option (bag or variable cans) Develop implementation strategy based on the best choice above.
Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 10b: Implement Zero Waste Asheville, including the use of composting programs	Acquiring property on which to locate and expand landfills becomes increasingly challenging as property values increase. The City wishes to reduce the amount of refuse that is disposed of in landfills and increase materials that are recycled and composted. These measures are important not only in promoting good land-use, but in improving environmental sustainability within our community.	Cathy Ball/Amber Weaver	SACEE/PED	Meet with Buncombe County to determine where they are in the implementation of an industrial anaerobic digester on the existing landfill site Evaluate the ability to implement city-wide backyard composting, including partnership opportunities and funding sources; Provide Education and Seek Community Input Prepare report and seek approval from Council Develop education and if directed, change management options for City wide residential organic waste program

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 11: Meet the Goals of Carbon Reduction Plan	The City of Asheville wishes to set the standard in environment carbon reduction. We have been extremely successful in implementing reduction in carbon emission by using biofuels, LED street lights, HVAC replacements in City buildings and alternative fuel sources. Council developed a goal of 2% carbon reduction in 2008 then increased it to 4% in 2011. The City has achieved this goal every year and it may be appropriate to evaluate our current status and future opportunities to update and achieve our future goals. The City implemented a green Capital Improvement Program to reinvest in green infrastructure to meet this goal.	Amber Weaver	SACEE/PED	Evaluate the Sustainability Plan to assess the annual carbon reduction goal, strategies, fiscal impacts, and relevant technologies every 3 years
				Continue to identify opportunities to achieve carbon reduction and continues annual reporting to council
Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 12: Implement the Clean Energy framework and support the partnership with Duke Energy and Buncombe County to reduce energy demand through promotion and implementation of new programs as appropriate;	The community has worked to develop a Clean Energy Framework to reduce dependence on fossil fuels. In addition, Duke Progress Energy has committed to implementing a modernization plan that will eliminate the coal burning plant and replace it with a natural gas facility. They have agreed to a partnership with the City of Asheville and Buncombe County to reduce energy use in order to delay or avoid construction of a thrid plant in 2023. The parnership will work with the Rocky Mountain Institute and other government and nonprofit experts to develop an implement a plan to reach that goal.	Cathy Ball	SACEE/PED	Implement a Asheville Workplace Challenge, piloting the program in the City Innovation Districts
				Make presentation to Finance Committee
				Support the Energy Innovation Task Force: Adoption of Resolution to City Council; Convene Task Force; Attend Rocky Mountain Institute for initial training; Support Energy Innovation Task Force
				Implement elements of the Clean Energy Framework and the partnership plan as appropriate and supported by budget allocations.

Quality Affordable Housing

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 13: Continue to work with partners to redevelop Lee Walker Heights	The redevelopment of Lee Walker Heights will create ladders of social and financial mobility via mixed use and mixed income development that will yield long-term improvements for community safety, health, sustainability and economic progress.	Cathy Ball	Affordable Housing Advisory Committee/ /HCD	Analyze other post-RAD projects for benchmarking or best practices Seek to execute an MOU with Duke Progress for the Matthews Ford Property Develop an agreement with HACA to include performance standards Schedule quarterly reporting by HACA
Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 14: Implement the Comprehensive Housing Affordability Strategy (Explore innovative homes, tiny homes & container housing)	The 2015 Housing Needs Assessment completed by Bowen National Research identified a 5,000 unit need over the next 5 years in order to meet housing demand. Securing housing for all citizens has long-term impacts on the safety, health, and vibrancy of our community.	Jeff Staudinger	Affordable Housing Advisory Committee/HCD	Continue to utilize entitlement funds and housing trust funds designated for affordable housing Hold work session with Council to present current status Go to HCD committee with recommended action plans based on feedback from council work session Host Annual Housing Summit
Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 15: Analyze city owned land and establish a strategy for sale of lease of affordable housing	Municipal asset management is critical to meeting the future needs of our community. The Housing Needs Assessment shows a significant deficit in the supply of affordable housing in Asheville. Analyzing the inventory of City-owned real property and establishing a strategy to utilize land for affordable housing in conjunction with other municipal needs so to provide a vision and a framework for effective decision-making and land use.	Cathy Ball/Nikki Reid	Finance	Update and improve the existing city owned property database Council consideration to adopt or monitor the implementation of the plan and / or specific recommendations regarding short-term and long-term opportunities for affordable housing development.

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 16: Complete redevelopment of the former Parks Maintenance Property; a)Complete relocation of Parks Maintenance Property, b)Complete redevelopment of the former Parks Maintenance property	Redeveloping this key city-owned property will result in the creation of affordable housing units in close proximity to transit and jobs.	Cathy Ball/Sam Powers/Walter Ear/Jeff Staudinger	Finance/HCD	Continue to implement the Project Charter that was developed for the relocation of Parks Maintenance
				Council consideration to approve development partners and real estate transaction (lease or purchase)
Goal	Rationale and Considerations	Staff	Board	Key Tasks/Activities
Goal 17: Develop a partnership with the County to achieve greater levels of affordable housing, to include strategies	Common goals exist within the City government and County government to increase the supply of affordable housing. The City can leverage existing partnership through the existing HOME Consortium and other regional partnerships to achieve goals.	Cathy Ball/Jeff Staudinger	HCD	Continue existing partnerships through the HOME Consortium, the Homelessness Initiative Advisory Committee, and joint Housing Summits
				Propose a joint meeting with the Asheville City Council and Buncombe County Commissioners to discuss opportunities to partner on affordable housing goals
				Implement ongoing meetings as required for collaboration

Transportation and Accessibility

Goal	Rationale and Considerations	Staff	Board	Key Tasks/Activities
Goal 18: Continue to implement the transit master plan, to include an analysis of opportunities to expand transit into the County.	Seamless access to public transportation is necessary to ensure that citizens have access to jobs, medical care, education and other community based services. Increased use of public transit will reduce carbon emissions, resulting in less pollution and decreased opeRationale costs. Success, however, is dependent on changing culture or mindset so that individuals make transit a natural part of the daily commute.	Ken Putnam	Transit Commission, Multimodal Commission/PED	Fund the update to the Transit Master Plan. (In current budget)
				Update the existing Transit Master Plan: Award contract; Begin update of the transit master plan to include data analysis and public engagement; Complete master plan update
				Make recommendation for increased funding for transit as part of the 2016-17 Budget
				Evaluate priorities in the current master plan that could potentially be funded; Present priorities to Transit Committee; Present priorities to MultiModal Transportation Committee
				Implement priorities based on funding in FY 2017 budget
Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 19: Find additional resources for the management of the transit system	In order to achieve a higher level of service and accountability in the operations of the City's transit system, additional oversight is needed from the Management Company.	Ken Putnam	Transit Commission, Multimodal Commission/PED	Present City Manager's budget that includes additional funding for increased level of service to be adopted by Council, to include staffing
				Contract with management company: Issue RFP (completed); Award contract
				Perform quality control checks quarterly per FTA and City requirements

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 20: Implement recommendations of the parking studies as appropriate	Parking demands continue to increase in the City of Asheville. Additionally, the cost to maintain parking garages and the desire to encourage the use of multimodal transportation drives the City to evaluate the cost of on street parking and parking in City garages. Haywood Road is a high density, thriving area of the city. The need for parking currently outweighs its availability. Implementing creative ways to provide low-cost parking options is important for the continued viability of the area. Additionally, there are opportunities within the corridor for multimodal transportation. Implementing recommendations from the study would ensure the viability of the economy within the corridor.	Ken Putnam	Multimodal Commission, Downtown Commission/Finance, PED	Implement the financial model tasked in the Comprehensive Parking Study; Prepare a 10 Year Parking CIP (funded by Parking Fund); Make recommendations for fees based on the financial model in the comprehensive plan; Engage in stakeholder outreach; Present fees to the finance committee; Present fees to Council for approval; Create a communication plan for fee changes; Implement fee changes Review and Implement parking strategies based on current and future study recommendations; Identify opportunities for implementation as appropriate; Engage in stakeholder outreach; Present strategies to the MMTC; Present strategies to the Downtown Commission; Present to Finance Committee (if necessary); Present to Council (if necessary); Implement strategies

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 21: Take appropriate steps to implement the multimodal transportation plan (AIM)	The implementation of the Asheville in Motion (AIM) plan is key to address mobility needs, providing transportation options to all citizens. The AIM plan develops strategies to create a connected network that will provide safe and convenient access to jobs, health, education and recreational opportunities.	Ken Putnam	Multimodal Commission/PED	Adopt the AIM plan; Present to MultiModal Commission; Present to PED; Present to Council for adoption
				Incorporate the recommendations of the AIM plan in the City's Comprehensive Plan update
				Develop a project implementation strategy; Create a priority list for projects and costs; Initiate dialogue with NCDOT; Identify partners and funding opportunities
				Incorporate project strategy in the FY 2018 CIP; Present the prioritized list of projects and costs to the Greenway and Transit Committees; Present prioritized list of projects and costs to the MMTC; Engage the public (if needed); Present prioritized list of projects and costs to PED; Consider bond referendum for funding
				Incorporate policy strategy in the UDO (if needed); Work with the Planning and Urban Design Department to draft regulations; Create a public engagement plan; Present to PED and other commissions (if needed); Present to Planning and Zoning commission; Present to Council for adoption

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Recommended Goal 22: Complete the appropriate phases of TIGER VI, including the RADTIP	The TIGER VI program of work is the City's first transportation project that incorporates sidewalks, greenways and bike facilities to create a comprehensive, active transportation network. This network will connect people to jobs, recreation and educational opportuni-ties. Significant public resources have been invested in the TIGER VI projects and there is an expectation in the community and with funding partners to be timely in the completion of the project. Completion of a project of this scale reflects the City's ability to success-fully manage a multi-million dollar transportation project.	Cathy Ball/Stephanie Monson Dahl	Riverfront Redevelopment Commission/PED	Engage in a public outreach meeting for final plans
				Collect input and develop a communication plan for the construction phase
				Request bids for construction; Hold a public kick-off meeting for construction phase; Outline expectations for long-term community engagement plans
				Transition management of the leadership roundtable to the City
				Communicate the prioritization of the construction phasing for RADTIP and other TIGER VI projects
				Begin construction on project (construction will continue through FY2020); Reevaluate need for external funding opportunities; Provide regular updates to Council Committees
Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 23: Continue to work toward achieving City goals on I-26	Since the I-26 Connector project is a major transportation project that will go through the core of the city, it is important that the project be designed and constructed in a manner to minimize negative impacts to the adjacent neighboring communities.	Ken Putnam		Review the Draft Environmental Impact Statement (DEIS); Attend public hearing; Identify City goals regarding the project's impact; Prepare and submit comments to include the City's goals
				Attend and participate in the DEIS post-hearing meeting along with all other NCDOT meetings regarding I-26; Provide status reports
				Create a collaborative working group with NCDOT to help achieve City goals regarding I-26
				Provide quarterly updates to City Council on the progress of the I-26 project
				Prepare an itemized list of City goals and provide a cost sharing arrangement between the City and NCDOT

Thriving Local Economy

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 24: Develop and implement Buncombe Community Capital loan program, with an emphasis on minority business	A variety of economic tools is critical in building the ladder of social and economic mobility and sustainability of our community. There is a perceived gap in the existing business and service provider network regarding access to capital for small and minority business. The City can support a strong public-private partnership to help diversify our business ownership by participating in this initiative.	Barbara Whitehorn	Finance	Budget funding of seed capital. Approve resolution to create a steering committee with other partners to explore and clarify roles and responsibility Steering committee report and recommendations to City Council.
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 25: Research and recommend a portfolio of options toolbox for small business support (Zoning, Retention, Minority Business, Econ Incentives, Communication regarding the work opportunity tax credit)	A diverse and healthy economy includes support for small, local, homegrown businesses. The city can play a part in improving the local economy by developing a toolbox of support for small businesses. We want to continue to be a community where businesses can grow and expand.	Sam Powers	Finance	Reboot the toolbox (marketing package) for small business services that the city and community currently offer (i.e. DSD process, "Start Up in a Day," CDBG grants, Minority Business designation, Working with City Contracting, Restaurant Permit Guide, external resources in business service providers, EDC) Evaluate and report out on the efforts listed above to the Council's Planning and Economic Development Committee Update the marketing package, evaluate efforts and report to Council's Planning and Economic Development Committee

Goal	Rationale and Considerations			Key Tasks/Activities
Goal 26: Evaluate the success of past tax economic development incentives	To ensure that we are strong, transparent and sustainable, we evaluate our existing economic development programs.	Cathy Ball/Sam Powers	Finance/PED	Compile the data on the past economic incentives that the City has authorized
				Provide a report to PED, Finance Committees and City Council with considerations of changes to the policy

Connected and Engaged Community

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 27: Identify and implement strategies to get more diversity on city boards and commissions	Boards and commissions play an essential role in effective public engagement. As advisors to the City Council, diverse representation on these boards and commissions can maximize the community perspectives represented in policy development. Diverse boards and commission demonstrate the City's commitment to inclusion and diversity as a core value. Recognizing people have different preferences for receiving information will be key to achieving this goal.	Maggie Burleson	Boards and Commissions	Conduct focus groups with community groups to educate and inform about the roles and opportunities with boards and commission service. Identify barriers to participation and opportunities to further increase community awareness.
				Include training on the importance of diversity and inclusion as part of the training program for boards and commissions
				Track and report diversity in board representation. Review and revise the board/commission application form to include an optional section allowing applicants to report diversity indicators
				Staff will work with the City Clerk to report annually to the Council on the diversity of board and commission membership for the most current year and to highlight trends over the previous years and comparisons with demographic data
Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 28: Develop a strategy to effectively vet policy initiatives through boards and commissions (i.e. clearinghouse, clarification of roles, orientation, charters, reporting)	The role of board and commission Members is to provide policy recommendations and to serve as community leaders and educators on city process and programs. Currently there are more than 30 boards and commissions and no standard process or procedure for vetting policy initiatives and determining when these bodies have achieved their mission. An effective process will provide clarity and consistency regarding when and how board and commissions provide policy recommendations.	Maggie Burleson	Boards and Commissions, Governance	Develop process for policy initiatives and report to Boards and Commissions and Governance Committees
				Include the process of vetting policy in the boards and commissions training

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 29: Develop an effective training program for boards and commissions	Effective public engagement can be greatly enhanced when board and commission members and staff liaisons have clear understandings of roles and responsibilities. Knowing members need the right tools to be able to advise Council on policy, there is a need to bolster the City's approach to training board and commission members.	Executive Team	Boards and Commissions, Governance	Hold focus groups with board and commission staff liaisons to allow for the sharing challenges and identify opportunities for improved training, communication, and clarification of roles
				Survey board and commission members regarding their perception of their roles and responsibilities.
				Present findings and recommendations to Governance Committee
				Implement the training program, evaluate, and revise as necessary; determine schedule for future deliveries
				Evaluate
Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 30: Develop an effective working relationship with NCDOT so that state transportation investments reflect local values and transportation plans.	The citizens of Asheville would benefit from a better-coordinated effort to reflect both the City's and NCDOT priorities. Elements of this would include collaboration on the priority of major projects.	Ken Putnam	MPO	Continue meeting with staff and Division 13 staff on a monthly basis to coordinate transportation projects
				Initiate contact with appropriate NCDOT staff based in Raleigh and meet on a periodic basis in order to build relationships and communicate priorities
				Participate in the MPO process

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 31: Identify and expand opportunities for partnership with Buncombe County, to include energy, transportation, affordable housing, greenway extension, solid waste, parks and recreation, and other amenities	Opportunities exist to optimize assets, resources, services, and responsibilities to provide mutual benefit for both the city and county governments and for residents and businesses. Where regional mission and goals align for both the City and County, we should maximize available resources to provide enhanced service delivery through the coordination of projects, expertise, funding, and assets. In 2015, the City Council and County Commission began again to have annual joint meetings. The County Manager and City Manager will continue to meet together regularly to maximize communication and collaboration, however, further focused collaboration is possible.	Executive Team	Governance	Continue regular meetings between Mayor and County Chairman, County Manager and City Manager, and continue meetings between the
				Reproduce and update the list of partnerships and collaborative efforts between County and City.
				Report to Governance Committee for direction
				Reestablish regular meetings between city and county elected and appointed representatives to work on identified focus areas; a) Develop action plans and assign resources; b) Implement action plans
				Convene City/County local elected officials; Schedule annual meetings (next one is August 2016); Report results and action plans; Identify additional areas of focus for County and City collaboration

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 32: Support the development and implementation of a more effective Council state legislative agenda	Because the State of North Carolina operates under Dillon's Rule, the city's relationship with the State Legislature is critical for long-term success. An additional effort to develop a more effective Council state legislative agenda, including broad policy themes and related action items, will enable the city's lobbyist to guide the City's representation in Raleigh.	Robin Currin	Governance	Determine the respective roles of the Governance Committee, City Council and staff in developing the legislative agenda and managing relationships with Legislators
				Facilitate meetings and events with delegates and create a mechanism for regular and open communication with local and other members of the Legislature
				Develop an internal process to evaluate the issues that should be brought before the State Legislature. This process should consider the political climate in Raleigh and allow for the evaluation of local, advocacy-oriented issues as well as state-wide issues affecting Asheville
				Review issues identified by the City's lobbyist to inform the nature of the City's legislative agenda. Develop an agenda and policy principles that align with the City Council's adopted vision.
				Develop strategies for advocacy on individual issues, including identifying issue partner organizations
				Evaluate results and revise for the next session as required

A Smart City

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 33: Identify and evaluate all community agreements including leased properties and develop a system to monitor those agreements	Agreements with our various partners (community, neighborhood, not-for profit, for-profit and other governmental agencies) that deliver programs and services is an important component in leveraging limited resources. The City and its partners would benefit from an enhanced process that enables effective business decisions regarding shared delivery of services. The process through which leases are developed and managed is an example of an opportunity for enhanced management and decisions. Through an enhanced process at the beginning or renewal of partnerships, the City will maximize their effectiveness.	Barbara Whitehorn	Finance, Governance	Conduct and evaluate inventory Hire grants and partnership specialist position Quarterly updates to the Governance Committee Update Council annually through the budget process and budget document
Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 34: Examine new revenue streams and make recommendations regarding viability; Develop dedicated revenue stream for multimodal infrastructure; Evaluate application of annual municipal motor vehicle fee; Develop a plan to enhance funding from TDA; Leverage private partnerships; Food and beverage; Bond referendum	Diversification of revenue streams creates economic resilience for our community and its residents. Due to state statutes and economic conditions outside municipal control, revenue streams are constricted and the City faces uncertainty. Examining and developing additional revenue streams will enable flexibility in long term financial planning and sustainability. The City should assess both restricted and unrestricted potential revenue streams in order to stabilize funding of identified core services.	Barbara Whitehorn	Finance	Establish an internal team that will evaluate existing and proposed legislation affecting revenue and consider options and potential impacts Establish an Ad-Hoc Community Committee (appointed by Council with staff liaisons) made of community members to evaluate potential revenue streams, opportunities to leverage private partnerships and make recommendations to Council Present Ad Hoc Committee recommendations to Council Acquire Council direction on recommendations Develop Ad-Hoc community based work group (with staff liaisons) to explore community support for specific revenue streams and further action Present Ad Hoc Working Group recommendations to Council Acquire Council direction on recommendations Implement as appropriate

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 35: Explore alternatives for post-employment health insurance benefit for new hires (since 2012)	As an employer of choice, the City wants to ensure employee benefits are competitive and sustainable in a manner that attracts and retains qualified and diverse employees. Due to continuous and on-going financial liabilities associated with retiree health care, eligibility for post-retirement health benefits vary based on an employee's hire date with the City. Currently, employees hired after July 1, 2012 are not eligible for post employment health care benefits. Based on concerns expressed regarding the equity of benefits among employees, staff is examining potential options to provide equitable and sustainable benefits.	HR Director	Governance	Research and evaluate alternative mechanism for providing access to post employee health care benefits and corresponding financial impacts Present options and staff recommendations as a part of the Fiscal Year 2018 budget Provide staff recommendations to City Council and acquire direction

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 36: Develop a financing program for updating, maintaining, and fixing all City property and infrastructure; Analysis of deferred maintenance; Update infrastructure plans	The condition of the City's infrastructure and physical assets is a critical component in attracting and retaining residents and businesses and they contribute to a high quality of life. Varying priorities, along with challenging financial and economic conditions, have resulted in significant maintenance needs being deferred, which has adversely impacted the city's physical assets and infrastructure. The costs associated with addressing deferred maintenance in lieu of a preventative maintenance program are significantly higher. This work should be coordinated with Council Priority 15 (Analysis of City Owned Property.) The broader coordinated process should include: 1.) Facility Inventory and Assessment, 2.) Facility Master Plan, 3.) Real Estate Inventory, and 4.) Real Estate Master Plan.	James Ayers	Finance, Governance	Identify funding needs, if any, and seek approval from Council as needed (some funding currently identified in the CIP) Evaluate funding mechanisms including the potential for a bond referendum, and implement a capital reserve/sinking fund Present analysis and recommendations to Council for discussion and action Consider placement of bond referendum on November 2018 ballot

RESOLUTION NO. 16-216

RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, the terms of Barber Melton, Scott Dedman and Lindsey Simerly Wilson, as members on the Affordable Housing Advisory Committee, expired on September 1, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Barber Melton, 15 Melton Drive, Asheville, N.C., be and she is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve an additional three-year term, term to expire September 1, 2019, or until her successor has been appointed.

(2) Mr. Scott Dedman, 209 Cumberland Avenue, Asheville, N.C., be and he is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve an additional three-year term, term to expire September 1, 2019, or until his successor has been appointed.

(3) Ms. Sage Turner, 34 Mildred Avenue, Asheville, N.C., be and she is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve a three-year term, term to expire September 1, 2019, or until her successor has been appointed.

Read, approved and adopted this 6th day of September, 2016.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

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RESOLUTION NO. 16-217

RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

WHEREAS, Ms. Megan Archer has resigned from the Recreation Board, thus leaving an unexpired term until June 30, 2018; and

WHEREAS, Mr. Barry Mundt has resigned from the Recreation Board, thus leaving an unexpired term until June 30, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Zachary Jay Eden, 26 Wellington Street, Asheville, North Carolina, be and he is hereby appointed as a member to the Recreation Board to serve the unexpired term of Ms. Archer, term to expire June 30, 2018, or until his successor has been appointed.

Ms. ZaKiya Bell-Rogers, 3 Parker Road, Asheville, North Carolina, be and she is hereby appointed as a member to the Recreation Board to serve the unexpired term of Mr. Mundt, term to expire June 30, 2018, or until her successor has been appointed.

Read, approved and adopted this 6th day of September, 2016.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-218

RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, the term of Jim Muth, as a member of the Buncombe County Tourism Development Authority, (owner or operator of a hotel, motel, bed & breakfast, or vacation rental management company with less than 100 rental units), expired on August 30, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. James Muth, 61 N. Liberty Street, Asheville, N.C., be and he is hereby reappointed, as a member of the Buncombe County Tourism Development Authority (as the owner or operator of a hotel, motel, bed & breakfast, or vacation rental management company with less than 100 rental units), to serve an additional three year term, term to expire August 30, 2019, or until his successor has been appointed.

Read, approved and adopted this 6th day of September, 2016.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

210

RESOLUTION NO. 16- 219

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR SIMPSON STREET (BEAUCATCHER COMMONS LLC)

WHEREAS, the City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville.; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Simpson Street development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, at its meeting on September 27, 2016, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and Beaucatcher Commons LLC for the Simpson Street development; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The public hearing to consider a land use incentive grant for the Simpson Street development is hereby set on October 11, 2016, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 27th day of September, 2016.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-220

RESOLUTION ACCEPTING THE REPORT PREPARED BY CITY STAFF FOR THE FLOOD MITIGATION ACTION ASSOCIATED WITH THE REPETITIVE LOSS AREA ANALYSIS REPORT

WHEREAS, Buncombe County has performed a comprehensive review and evaluation of each section of the previously approved All-Hazard Mitigation Plan and has updated the said plan as required and according to guidance issued by FEMA and the North Carolina Division of Emergency Management, and

WHEREAS, the participation in the Community Rating System program, which Asheville is currently a member requires the city to provide a Repetitive Loss Area Analysis and to report on those Flood Mitigation Action Items on an annual basis, and

WHEREAS, the City wishes to continue to promote public safety and welfare through the continued participation in the Community Rating System Program, and

WHEREAS, City Staff has provided Council with the annual Flood Mitigation Action Items report as it relates to the Repetitive Loss Area Analysis;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville does hereby receive and accepts the report prepared by City Staff for the annual Repetitive Loss Area Analysis Flood Mitigation Action Items, attached hereto as Exhibit A, and authorizes its submission to the Insurance Services Office and the Federal Emergency Management Agency as part of the annual Community Rating System report which is to be signed by the City Manager.

Read, approved and adopted this the 27th day of September, 2016.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

EXHIBIT A

FLOOD MITIGATION ACTIONS 2016

As part of an ongoing effort to reduce flood hazards and damage costs associated with repetitive flood losses, the City hired the consulting firm of Brown and Caldwell to develop a Repetitive Loss Area Analysis. As part of this RLAA, the consulting team has developed a set of flood mitigation actions items for the city to focus on. Each action item listed below includes a description of the action and what actions have been over the past year.

Action Item 1

The City will continue its flood hazard mitigation public outreach efforts by communicating with property owners in each of the repetitive loss areas to make certain they understand the risks associated with flooding, and encourage owners to consider flood protection measures outlined in this analysis and related publications.

Actions:

The city has extensive flood related information available on the City's Public Works Department's Stormwater Division's website. This website has links to interactive tools to research properties within the special flood hazard area along with the Biltmore Village Emergency Response Plan which was developed in partnership with the US Army Corps of Engineers. Located on the website is information related to what to do before floods, during a flood and after flooding.

Again this year, the Public Works Department sent out letters to each property owner located within the Repetitive Loss Areas with information related flood protection and actions the property owners could take to help minimize damage from flooding.

As development takes place within the Repetitive Loss Area (RLA), the City's Development Services Staff works with property owners and engineers to inform them of the protection measures required for their development.

The City's Riverfront Redevelopment office holds monthly walk in meetings with the community to allow for ongoing discussion about development within the special flood hazard area. The Stormwater team is open to meet with citizens with individual questions about their property and how the flood zones impact current and future plans for the property.

City Staff is available to meet with citizens who have flooding questions. Staff will continue to be proactive with providing the customer services our citizens deserve.

Action Item 2

The City will identify any structures within each of the RLAs that are not permitted for occupancy and proceed with standard enforcement actions to bring the structures into

compliance or have them removed.

Actions:

The City's Development Services Department continues to work to identify such properties and make notifications to these property owners. As these properties that are not permitted for occupancy arise, staff will take action to notify the property owners of the non-compliance issues and provide them with what the requirements are necessary to meet current standards. City staff is available to meet with citizens to discuss issues concerning these properties and discuss what options the ordinance and flood regulations allow.

Action Item 3

The City will consider the feasibility of a flood warning system in one or more of the RLAs to assist in advance notice to property owners of an impending flood. Given the fact that most of the structures in these areas will require some form of flood protection preparation prior to an event, a flood warning system may be a valuable asset.

Actions:

The City's Public Works Department, partnering with the US Army Corps of Engineers is continuing the flood mitigation project within the Swannanoa River basin. As part of this continuing effort which will consider both structural and non-structural alternatives to flood control, a flood warning system is being considered. The final feasibility report with the recommendations for the flood mitigation project is expected in 2017.

The Public Works Department and the Asheville Fire Department is working to develop stream elevation thresholds in which flooding occurs to allow for coordination with other emergency management agencies throughout the area to notify citizens of potential threats of flooding. City Staff has met with the county emergency management team and discussed this. Staff will continue to work with our team on this initiative.

Moving forward

City Staff will continue to look for flood mitigation opportunities throughout the city. Various city departments' work together to complete the flood mitigation actions tasks necessary for the Community Rating System (CRS), the team includes the Public Works Department, the Development Services Department, the Riverfront Office, and the Asheville Fire Department. Staff continues to be excited about the positive impact of the City being a part of the CRS program which currently provides citizens who hold flood insurance a 10 percent reduction in the annual premiums. Staff will continue to work closely together to implement the flood mitigation action items associated with Repetitive Loss Area Analysis report. Staff will also look for opportunities to continue the flood mitigation efforts ongoing within the special flood hazard areas and will also look for partnership opportunities in these same locations.

214.

RESOLUTION NO. 16-221

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH SCHNABEL ENGINEERING SOUTH, PC, FOR THE NORTH FORK WTP DAM/SPILLWAY UPGRADE PHASE II: DESIGN AND CONSTRUCTION SERVICES PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Schnabel Engineering South, PC, was selected by Staff via a Request for Qualifications process as the most qualified firm to perform professional engineering services related to the North Fork Water Treatment Plant Dam/Spillway Upgrade Phase I: Design and Phase II: Construction Services Project; and

WHEREAS, Schnabel Engineering South, PC, has completed Phase I of the Project and the department is ready to move onto Phase II of the Project for the proposed amount of $4,350,170.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a professional engineering services agreement with Schnabel Engineering South, PC, for the North Fork WTP Dam/Spillway Upgrade Phase II: Design and Construction Services project for the proposed amount of $4,350,170; and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 27th day of September, 2016.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16-222

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY PERMANENT UTILITY EASEMENTS ALONG RIVERSIDE DRIVE AND LYMAN STREET TO DUKE ENERGY PROGRESS, INC. FOR UTILITIES RELATED TO THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT (RADTIP)

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of properties located at Riverside Drive and Lyman Street, identified as PIN#963888645000000, PIN# 963897167400000, PIN# 963896596900000, PIN# 963896784600000, portion of PIN# 963896679100000 and PIN #963896518900000; and

WHEREAS, Duke Energy Progress has requested a Permanent Transmission and Distribution Easements totaling approximately 3.15 +/- acres over said property along Riverside and Lyman;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey permanent easements across City-owned property located along Riverside Drive and Lyman Street (identified as PIN# 963888645000000, PIN# 963897167400000, PIN# 963896596900000, PIN# 963896784600000, portion of PIN# 963896679100000 and PIN #963896518900000) to Duke Energy Progress, Inc. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this 27th day of September, 2016.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 16-223

INTENTIONALLY BLANK

Magdalena Bouldson
City Clerk

RESOLUTION NO. 16-224

RESOLUTION STANDING N SUPPORT OF THE STANDING ROCK SIOUX

WHEREAS, the City of Asheville understands the importance of recognizing the specific challenges facing the original inhabitants of this land and honoring their contributions symbolized through the declaration of Indigenous Peoples Day each October passed in January, 2015; and

WHEREAS, Asheville resides within the ancestral homelands of the Cherokee Nation and within an hour's drive to the Qualla Boundary, the home of the Eastern Band of Cherokee Indians; and the City of Asheville fully supports the right of every Federally Recognized Indian Tribe to exercise the full scope of their Tribal Sovereignty and to enjoy the benefits that accompany self-determination; and

WHEREAS, it is proper and fitting that whenever there are issues that are of national importance in Indian Country, or issues arise that impact Native Americans across the country, that we the City of Asheville demonstrate our willingness to stand in solidarity with those affected; and

WHEREAS, the Standing Rock Sioux Tribe, a Federally Recognized tribe located in North and South Dakota, has determined that the proposed route of the Dakota Access oil Pipeline creates a potential threat to the only source of drinking water for their people; and

WHEREAS, the proposed Dakota Access Pipeline would carry as many as 570,000 barrels of fracked crude oil per day for more than 1,172 miles from the Bakken oil fields of North Dakota to Illinois, passing over sensitive landscapes including treaty protected land containing recognized cultural resources and across or under 209 rivers, creeks, and tributaries including the pristine Missouri River, which provides drinking water and irrigates agricultural land in communities across the Midwest; and

WHEREAS, any spill of oil into the Missouri River would irreparably harm the Standing Rock Sioux Tribe's Treaty reserved lands, territories, waters and other resources; burial grounds, gravesites and other sacred sites of cultural, religious, and historical significance; and spiritual relationships and indigenous ways of life; and

WHEREAS, to date the Standing rock Sioux Tribe has received Letters of Support and Council Resolutions from over 250 different Native nations including the Eastern Band of Cherokee Indians; and

WHEREAS, despite deep opposition from the Standing Rock Sioux Tribe, as well as farmers, scientists, more than 30 environmental advocacy groups, and other Tribal nations along the proposed route, and without Tribal consultation or meaningful environmental review as required by federal law, in July, 2016 the U.S. Army Corps of Engineers issued a permit allowing construction of the fracked oil pipeline to move forward; and

WHEREAS, the Dakota Access Pipeline violates Article 2 of the 1868 Fort Laramie Treaty which guarantees that the Standing Rock Sioux Tribe shall enjoy the "undisturbed use and occupation" of their permanent homeland, the Standing Rock Indian Reservation; and

WHEREAS, the American Indian Religious Freedom Act of 1978 affirms the need to "protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions," particularly in American Indian sacred places; and

WHEREAS, Articles, 11, 12, and 25 of the United Nations Declaration on the Rights of Indigenous People (UNDRIP), as endorsed by the United States in 2010, affirms that indigenous peoples like the Standing Rock Sioux Tribe possess the right to maintain and protect their culture, religion, practices, and relationship with their "traditionally owned or otherwise occupied and used lands, territories [and] waters"; and

WHEREAS, the UNDRIP Article 32 further provides that governments shall consult with indigenous peoples "in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources"; and

WHEREAS, the Society for American Archeology, with over 7800 professional archeologists in all 50 states, found that Section 106 of The National Historic Preservation Act particularly those mandates regarding consultation with tribes were not followed

WHEREAS, In a show of monumental cooperation not seen in the 140 years since the Battle of the Greasy Grass or Little Big Horn, members of the Lakota Standing Rock Sioux Tribe have united with the Oceti Sakowin, the Seven Fires Council - which include the confederation of Lakota, Dakota, and Nakota Nations - and established a peaceful encampment in Cannon Ball, North Dakota known as the Sacred Stones Camp to resist the construction of the Dakota Access Pipeline with a cultural and spiritual presence; and

WHEREAS, On August 15, 2016 the Standing Rock Sioux Tribal Council led by Tribal Chairman David Archambault II called on Tribal nations and Indigenous people around the world to issue resolutions in support of the Standing Rock Sioux and the Sacred Stones Camp;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

We stand in support of the Standing Rock Sioux Tribe as they exercise their sovereignty in protest of the encroachment upon their ancestral land, water and sacred sites by the Dakota Access Pipeline, and we call on all residents of Asheville to raise awareness about this important struggle for Indigenous sovereignty and environmental justice and to support the Sacred Stones Camp efforts in any way they can; and

The City of Asheville calls upon the United States and the Army Corps of Engineers to obtain the free, prior and informed consent of the Standing Rock Sioux Tribe, prior to taking any federal action regarding the DAPL that would harm or destroy the Tribe's ancestral lands, waters and sacred sites.

Read, approved and adopted this 27th day of September, 2016.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 16-225

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MULTI-YEAR GENERAL SERVICES AGREEMENT WITH GENUINE PARTS COMPANY, INC. TO PROVIDE INVENTORY MANAGEMENT AND DISTRIBUTION SERVICES TO THE WATER RESOURCES DEPARTMENT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Resources Department issued a Request for Proposals for Inventory Management Services and Genuine Parts Company, Inc. was the only vendor that responded; and

WHEREAS, the Water Resources Department desires to contract with the Genuine Parts Company, Inc. to provide inventory management and distribution services; and

WHEREAS, the contract will be a three (3) year general services agreement with an option to renew for two (2) successive one-year periods contingent upon Council approval of each fiscal year budget; and City's and Genuine Parts Company, Inc.'s mutual agreement to extend the contract;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a three (3) year general services agreement with an option to renew for two (2) successive one-year periods with Genuine Parts Company (GPC) for Water Resources Inventory Management for an amount not to exceed the City's approved fiscal year budget for each applicable fiscal year period, contingent upon Council approval of each fiscal year budget; and City's and Genuine Parts Company, Inc.'s mutual agreement to extend the contract.

Read, approved and adopted this 25th day of October, 2016.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

220

RESOLUTION NO. 16-226

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH GILBERT ENGINEERING COMPANY FOR THE WILLIAM DEBRUHL WATER TREATMENT PLANT BULK CAUSTIC TANK REPLACEMENT PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as the William DeBruhl Water Treatment Plant Bulk Caustic Tank Replacement Project; and

WHEREAS, the project includes, but is not limited to: removal and replacement of an existing 9,000 gallon bulk storage tank and associated day tank, piping, secondary containment improvements, and associated electrical upgrades; and

WHEREAS, Gilbert Engineering Company was the lowest responsible, responsive bidder for the Project, in the amount of $432,000.00, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

WHEREAS, the total project budget amount of $475,200 is allocated within the Water Treatment Plan Improvements Project in the Water Resources Capital Improvement Projects fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.

2. The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with Gilbert Engineering Company for the William DeBruhl Water Treatment Plant Bulk Caustic Tank Replacement Project for the bid amount of $432,000 plus a 10% contingency in the amount of $43,200 for a total project budget in the amount of $475,200 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 25th day of October, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

October 11, 2016

Project	City of Asheville, Water Resources Department	From	Michael E. Bisignani, P.E.
Subject	Bulk Caustic Tank Replacement Project	Tel	980-221-8031
Date	October 10, 2016	Job No	111/10944/100
		Your Ref.	298-WDWTPBulkCausticTank

CERTIFIED BID TABULATION

BIDDER	Bulk Caustic Tank Replacement	Electrical Improvements	Total Bid Construction Cost
Gilbert Engineering Company	$377,000.00	$55,000.00	$432,000.00
JS Haren Company	$430,000.00	$60,000.00	$490,000.00

I hereby certify that the above bid tabulation is correct for bids received on October 7th 2016 for the construction of the Bulk Caustic Tank Replacement Project.

Name: Michael E. Bisignani, P.E.

Date: 10/11/2016

NORTH CAROLINA PROFESSIONAL SEAL 039612 ENGINEER MICHAEL EVERETT BISIGNANI

GHD Consulting Services Inc. 222 South Church Street Suite 400 Charlotte North Carolina 28202
T 1 704 342 4910 F 1 704 342 4911 E cltmail@ghd.com W www.ghd.com

RESOLUTION NO. 16-227

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ASHEVILLE FORD TO PROVIDE SERVICE TO THE CITY FOR LIGHT VEHICLE MAINTENANCE

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Fleet Maintenance Division of the General Services Department desires to contract with the Asheville Ford LLC to provide service to the city for light vehicle maintenance; and

WHEREAS, the contract will be for an initial term of one (1) year with the option to renew the contract for four (4), one (1) year, extensions upon approval by the City, for a total not-to-exceed amount of $200,000 annually, contingent upon City Council budgetary approval for each fiscal year; and

WHEREAS, funding for anticipated FY 2016-17 is included in the budget and the Fleet Maintenance would utilize funds from the operating budgets of the departments that are receiving the service provided for vehicle maintenance by an outside party.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute an agreement with Asheville Ford LLC to provide service to the city for light vehicle maintenance for an initial term of one (1) year, with the option to renew the contract for four (4), one (1) year, extensions upon approval by the City, for a not-to-exceed amount of $200,000 annually, contingent upon City Council budgetary approval for each fiscal year.

Read, approved and adopted this 25th day of October, 2016.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 16-228

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CAROLINA TRACTOR & EQUIPMENT CO. INC. TO PROVIDE SERVICE TO THE CITY FOR HEAVY VEHICLE AND EQUIPMENT MAINTENANCE

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Fleet Maintenance Division of the General Services Department desires to contract with the Carolina Tractor & Equipment Co. Inc. to provide service to the city for light vehicle maintenance; and

WHEREAS, the contract will be for an initial term of one (1) year with the option to renew the contract for four (4), one (1) year, extensions upon approval by the City, for a total not-to-exceed amount of $200,000 annually, contingent upon City Council budgetary approval for each fiscal year; and

WHEREAS, funding for anticipated FY 2016-17 is included in the budget and the Fleet Maintenance would utilize funds from the operating budgets of the departments that are receiving the service provided for vehicle maintenance by an outside party;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute an agreement with Carolina Tractor & Equipment Co. Inc. to provide service to the city for light vehicle maintenance for an initial term of one (1) year, with the option to renew the contract for four (4), one (1) year, extensions upon approval by the City, for a not-to-exceed amount of $200,000 annually, contingent upon City Council budgetary approval for each fiscal year.

Read, approved and adopted this 25th day of October, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

224

RESOLUTION NO. 16-229

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTI-YEAR GENERAL SERVICES AGREEMENT WITH ATLANTIC EMERGENCY SOLUTIONS LLC TO PROVIDE SERVICE TO THE CITY FOR HEAVY FIRE EQUIPMENT MAINTENANCE

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Fleet Maintenance Division of the General Services Department desires to contract with the Atlantic Emergency Solutions LLC to provide service to the heavy fire equipment maintenance; and

WHEREAS, the contract will be for a total not-to-exceed amount of $200,000 annually for a term of one (1) year with four (4) possible one (1) year renewals contingent upon the mutual agreement between the City and Atlantic Emergency Solutions and Council annual budgetary approval for each fiscal year; and

WHEREAS, if funding for anticipated FY 2016-17 is included in the budget and Fleet Maintenance would utilize funds from the Fire Department operating budget to provide for equipment maintenance by an outside party;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a multi-year general services agreement with Atlantic Emergency Solutions LLC to provide service to the City for heavy fire equipment maintenance for a not-to-exceed amount of $200,000 annually for a term of one (1) year with four (4) possible one (1) year renewals, contingent upon the mutual agreement between the City and Atlantic Emergency Solutions to extend the contract and Council annual budgetary approval for each fiscal year.

Read, approved and adopted this 25th day of October, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-230

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE NORTH CAROLINA OFFICE OF JUSTICE PROGRAMS THROUGH THE DEPARTMENT OF JUSTICE (DOJ)

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants: and

WHEREAS, the US Department of Justice (DOJ), has granted the City of Asheville to submit a grant application in the amount of $21,022 through the BVP program for partial purchase cost of ballistic vests;

WHEREAS, the City has a required match of $21,022 in order to accept the grant funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the US Department of Justice, for a grant in the amount of $21,022.

Read, approved, and adopted this 25th day of October 2016.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16- 231

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR SKYLAND EXCHANGE (HATHAWAY DEVELOPMENT LLC)

WHEREAS, the City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville.; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Skyland Exchange development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, at its meeting on October 25, 2016, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and Hathaway Development LLC for the Skyland Exchange development; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The public hearing to consider a land use incentive grant for the Skyland Exchange (Hathaway Development LLC) is hereby set on Dec. 13, 2016, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 25th day of October, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:
CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION 16 - 232

RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT A FARE-FREE DAY ON NOVEMBER 8, 2016 IN ORDER TO INCREASE OPPORTUNITIES FOR VOTERS ON ELECTION DAY

WHEREAS, voting is the foundation of our democracy; and

WHEREAS, November 8th is the general election day for President, U.S. Senate, Governor, Lieutenant Governor, Attorney General, Commissioner of Labor, Treasurer, and Buncombe County Commission; and

WHEREAS, barriers to voting include difficulty accessing transportation; and

WHEREAS, the Asheville City Council affirms that all registered voters should have access to the polls; and

WHEREAS, fare-free transit days are an inexpensive way to demonstrate support for the population that does not have access to affordable transportation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to implement a fare-free day on November 8, 2016 in order to reduce barriers to voting.

Read, approved and adopted this 25th day of October, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved at to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

228

RESOLUTION NO. 16-233

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HENDERSON COUNTY TO LEASE ONE TRANSIT VEHICLE

WHEREAS, the City of Asheville has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants; and

WHEREAS, Henderson County is a sub-recipient of Federal funds through the City of Asheville; and

WHEREAS, as part of the sub-recipient agreement, the City of Asheville is required to execute agreements and purchase and own all of Henderson County's capital assets that are purchased with Federal funding; and

WHEREAS, Henderson County has identified the need to buy one van as one of the priorities in their capital program; and

WHEREAS, the City has conducted the procurement process and ordered the van from a state contract; and

WHEREAS, Henderson County has identified all of the funding sources needed to fund the project; and

WHEREAS, a lease agreement has to be signed by both parties to define the terms and conditions to operate these vehicles, as required by the Federal Transit Administration;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to enter into an agreement with Henderson County to lease one transit vehicle.

Read, approved and adopted this the 25th day of October, 2016.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 16-234

RESOLUTION AUTHORIZING THE FIRE DEPARTMENT TO APPLY FOR A GRANT FROM THE US DEPARTMENT OF HOMELAND SECURITY TO OBTAIN FUNDING FOR STRUCTURAL FIREFIGHTING PERSONAL PROTECTIVE EQUIPMENT AND TO ACCEPT GRANT FUNDING IF AWARDED

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the US Department of Homeland Security is taking applications for the Fiscal Year 2016 AFG grant program for the purpose of providing equipment and tools for firefighters, and

WHEREAS, the Asheville Fire Department wishes to apply for a grant in the amount of $500,000 to obtain funding for Structural Firefighting Personal Protective Equipment,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The fire department is hereby authorized to apply for the Fiscal Year 2016 AFG grant with the US Department of Homeland Security, for a grant in the amount of $500,000 to obtain funding for Structural Firefighting Personal Protective Equipment, and to accept grant funding if awarded.

Read, approved and adopted this 25th day of October, 2016

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
CITY CLERK

230

RESOLUTION NO. 16-235

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT ON MARTIN LUTHER KING JR. PARK TO BELLSOUTH TELECOMMUNICATIONS, LLC DBA AT&T FOR UTILITY PURPOSES

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located 50 Martin Luther King Jr. Drive, identified as PIN #964960446300000; and

WHEREAS, BellSouth Telecommunications, LLC dba AT&T has requested to purchase a Permanent Utility Easement totaling approximately 100 square feet over said property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement across City-owned property located at 50 Martin Luther King Jr. Drive (identified as PIN# 964960446300000) to BellSouth Telecommunications, LLC dba AT&T. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of October, 2016.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 16-236

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND RECEIVE FUNDS FROM THE N.C. DEPT. OF TRANSPORTATION 2017 BICYCLE AND PEDESTRIAN PLANNING GRANT PROGRAM TO CONDUCT A GREENWAY CORRIDOR STUDY IN THE SWANNANOA RIVER GREENWAY CORRIDOR – PHASE TWO

WHEREAS, pursuant to N.C.G.S. §160A-17.1, the City is authorized to make contracts for and accept grants and loans from other governments and there agencies: and

WHEREAS The North Carolina Department of Transportation requested proposals for bike and pedestrian corridor studies to encourage the development of such comprehensive plans and have asked for proposals to be submitted on November 10, 2016; and

WHEREAS, these funds will assist in up to $36,000 for a corridor study and requires a $24,000 match from the City: and

WHEREAS, The City proposes the grant for a segment of the Swannanoa River Greenway Corridor that extends from Biltmore Avenue to South Tunnel Rd.; and

WHEREAS, this segment is identified as a priority project on the City's AIM Plan; the City's Greenway Master Plan and the Wilma Dykeman Plan; and

WHEREAS, this segment of the Swannanoa River Greenway Corridor would be a contiguous extension of the first phase of the same greenway; and

WHEREAS, the study area is experiencing rapid development growth and utility expansion and the need to create a plan that will identify the greenway type and location in a quickly changing environment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

That the City of Asheville apply for the N.C. Department of Transportation 2017 Bicycle and Pedestrian Planning Grant Program and, if awarded, the City Manager accept the funds for a feasibility study for the East Asheville Greenway, a segment of the Swannanoa River Greenway.

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, with NCDOT to accept the funds.

Read, approved and adopted this 25th day of October, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 16- 237

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT AGREEMENT FOR SIMPSON STREET (BEAUCATCHER COMMONS LLC)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville.; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Simpson Street development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City Council, the Simpson Street development located at 43 Simpson Street will be a 70 unit multi-family rental development project that will fulfill an important public purpose, in that it will provide 70 units of affordable housing (defined as rents that require payment of no more than 30% of gross income for a household with an income not exceeding 60% of the area median income), for a period of no less than 20 years; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council hereby agrees to enter into a Land Use Incentive Agreement with Beaucatcher Commons LLC to support the development of the Simpson Street project. The annual land use incentive grant will be the difference between the current City tax and the estimated post-completion City tax, said grant amount currently estimated to be $22,610, the exact amount to be determined by the actual assessed value of the development upon completion. The grant is approved for a period of eleven (11) years and a 100% fee rebate is approved.

2. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions

Read, approved and adopted this 25th day of October, 2016.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 16-238

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH LAUGHLIN-SUTTON CONSTRUCTION COMPANY FOR THE MILLS RIVER WATER TREATMENT PLANT FILTER MEDIA REPLACEMENT AND RELATED UPGRADES PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as the Mills River Water Treatment Plant Filter Media Replacement and Related Upgrades Project; and

WHEREAS, Laughlin-Sutton Construction Company was the lowest responsible, responsive bidder for the Project, in the amount of $308,400.00, with CDM Smith's contract award recommendation letter with bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project includes, but is not limited to: all labor, materials, equipment, and incidentals required to remove the existing filter media and install new filter media for three filters; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

WHEREAS, the funding needed for this project is currently allocated within the Water Treatment Plant Improvements Project in the Water Resources Capital Improvement Projects fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Contract Award Recommendation Letter with Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.
2. The City Manager, on behalf of the City of Asheville, is hereby authorized to execute construction agreement with Laughlin-Sutton Construction Company for the Mills River Water Treatment Plant Filter Media Replacement and Related Upgrades Project for the bid amount of $308,400 plus a 10% contingency in the amount of $30,840 for a total project budget in the amount of $339,240 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

234

CDM Smith

5400 Glenwood Ave., Ste. 400
Raleigh, NC 27612
tel: 919-325-3500

October 25, 2016

Ms. Leslie Carreiro
Division Manager Water Production / Water Quality
City of Asheville - Water Resources
3374 North Fork - Left Fork
Black Mountain NC 28711

Dear Leslie:

On October 14, 2016 three bids were received for the City of Asheville Mills River Water Treatment Plant Filter Media Replacement and Related Upgrades. The bidders are listed below in numerical order based on the low bidder first.

Bidder	Grand Total Base Bid
Laughlin-Sutton Construction Company	$ 308,400
J.S. Haren Company	$ 415,000
Gilbert Engineering Company	$ 457,000

CDM Smith has reviewed these bids and has found no reason to reject the apparent low bid by Laughlin-Sutton Construction Company. CDM Smith recommends that the City of Asheville award the project in the amount of $ 308,400 to Laughlin-Sutton Construction Company for the Mills River Water Treatment Plant Filter Media Replacement and Related Upgrades project.

Required documentation was provided with each bid. Should you have any questions about this information, please do not hesitate to contact me.

Sincerely yours,

William B. Dowbiggin

William B. Dowbiggin, P.E., BCEE
CDM Smith

RESOLUTION NO. 16 - 239

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR GRANTS OF FEDERAL TRANSPORTATION FUNDING, AND IF SUCCESSFUL, TO ACCEPT SUCH GRANTS AND EXECUTE NECESSARY AGREEMENTS.

WHEREAS, pursuant to N.C.G.S §160A-17.1, the City is authorized to make contracts for and accept grants and loans from other governments and their agencies; and

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has opened a call for projects for federal section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Grants funds; and

WHEREAS, the City of Asheville has identified paratransit services and installation of accessible pedestrian signal features projects that are eligible for this funding and these projects would be 80% funded by the grants; and

WHEREAS, if any of these projects are funded, City wishes to accept such grants.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council of the City of Asheville hereby authorizes the City Manager to apply to the French Broad River MPO for 5310 funding.

2. The City Council of the City of Asheville hereby authorizes the City Manager to sign and execute agreements between granting or administering agencies and the City of Asheville to accept the grant(s) and approve the projects.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16 - 240

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN UNITED STATES GEOLOGICAL SURVEY APPLICATION TO NAME CREEK IN KENILWORTH "LOUISE GIBSON CREEK"

WHEREAS, the City of Asheville believes that a transparent, well-researched and community driven process was performed by RiverLink in efforts to name this creek; and

WHEREAS, the City of Asheville has received a recommendation from the Neighborhood Advisory Committee to support "Louise Gibson Creek" as the name for this tributary of the Swannanoa River: and

WHEREAS, the City of Asheville recognizes that a local government official must sign the United States Geologic Survey (USGS) form in order for the community's efforts to be successful;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ASHEVILLE NORTH CAROLINA THAT:

The City Council authorizes the City Manager to sign the USGS form certifying support for the naming of the creek in Kenilworth that runs through the neighborhood into the Swannanoa River as "Louise Gibson Creek".

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bourlsson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourlsson
City Clerk

RESOLUTION NO. 16-241

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT AND RECEIVE GRANT FUNDS UNDER THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants; and

WHEREAS, the North Carolina Governor's Highway Safety Program has awarded the City of Asheville a grant in the amount of $411,311 for the implementation of year four (4) of the DWI Task Force that would enforce DWI laws and provide community education on traffic safety issues in Asheville and Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with the North Carolina Governor's Highway Safety Program, for a grant in the amount of $411,311 to continue year four of the DWI Task Force in Asheville and Buncombe County.

Read, approved, and adopted this 8th day of November, 2016.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 16- 242

RESOLUTION TO APPLY FOR FISCAL YEAR 2016-17 EMERGENCY SOLUTIONS GRANT AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the State of North Carolina will receive and administer Emergency Solution Grant (ESG) funds for FY 2016-17 from the US Department of Housing and Urban Development; and

WHEREAS, the State has made these funds available to Continuums of Care in the State, and required that each Continuum of Care submit one regional application for ESG funds; and

WHEREAS, the City of Asheville has agreed to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services; and

WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has authorized the City to apply, as fiscal agent, for $121,992,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville approve application for the Emergency Solutions Grant;
2. Council authorizes the City Manager to sign all necessary documents with the State of North Carolina to apply for and accept FY 2016-17 ESG funds.
3. Council authorizes the City Manager to sign all necessary documents to subgrant FY 2016-17 ESG funds to approved agencies.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bullison
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:
CITY ATTORNEY

Magdalen Bullison
City Clerk

RESOLUTION NO. 16-243

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM TO ACCEPT HIGHWAY SAFETY GRANT FUNDING

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-17 to apply for and receive grants from the State and to enter into contracts for the administration of said grants; and

WHEREAS, the North Carolina Governor's Highway Safety Program has offered $20,000 in grant funding to the Asheville Police Department for Regional Liaison duties; and CDR Software Subscription, travel costs for Lifesaver's Conference; and

WHEREAS, the Asheville Police Department will provide this liaison officer to perform the necessary duties; and

WHEREAS, there is no matching fund requirement for this grant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with the North Carolina Governor's Highway Safety Program.

Read, approved, and adopted this 8th day of November 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

240

RESOLUTION NO. 16-244

RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOITATIONS AND EXECUTE PUBLIC PRIVATE STORMWATER AGREEMENT WITH THE DEVELOPER/PROPERTY OWNERS OF RAD LOFTS LOCATED AT 146 ROBERTS STREET (RAD LOFTS, LLC), TO CONSTRUCT A NEW STORM DRAINAGE SYSTEM WITHIN THE PUBLIC RIGHT OF WAY BEGINNING ON ROBERTS STREET CONTINUING TO WHERE IT CONNECTS TO AN EXISTING SYSTEM ALONG ROBERTS STREET

WHEREAS, pursuant to NCGS 160A-320 the City has the ability to enter into a public private partnership agreement to reimburse a private developer/property owner for construction of public enterprise improvements; and

WHEREAS, the RAD Lofts project site has an existing box culvert running under its property which carries stormwater from a large drainage area and the proposed improvement project would relocate this culvert to a better suited location on the property and connect back into the City's public right of way along Roberts Street; and

WHEREAS, the proposal is for the developer's/owner's team to design and construct the new stormwater system, the total cost of the improvements in the right of way are estimated at $435,000, and the City would reimburse developer/owner in an amount not to exceed $250,000 for the improvements within the public right of way; and

WHEREAS, the City through this partnership, will gain new stormwater infrastructure along Roberts Street in a more expedient timeframe and at costs that are less than if the improvements were undertaken by the City's own forces through this partnership;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to complete negotiations and execute a public/private stormwater agreement with the developer/owner of RAD Lofts located at 146 Roberts Street (RAD Lofts, LLC), to construct a new storm drainage system within the public right of way beginning on Roberts Street continuing to where it connects to an existing system along Roberts Street. The city will partner with this project cost up to a maximum of $250,000.

Read, approved and adopted this the 8th day of November 2016.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-245

RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOTIATIONS AND EXECUTE A CONTRACT WITH HAZEN AND SAWYER FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE DESIGN OF A STORMWATER IMPROVEMENT PROJECT LOCATED IN THE EDWIN/CELIA/CANTERBURY ROAD AREA; AND ALSO AUTHORIZING THE CITY MANAGER TO EXECUTE ANY EASEMENT DOCUMENTS NECESSARY FOR THE CONSTRUCTION OF THE PROJECT AND TO PETITION FOR STORMWATER GRANT OPPORTUNITIES ASSOCIATED WITH THE CONSTRUCTION OF THE PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City wishes to design stormwater improvements and flood mitigation projects in the Edwin/Celia/Canterbury Road area; and

WHEREAS, the City of Asheville has solicited qualifications from engineering firms to provide professional services for the design of stormwater improvements in the Edwin/Celia/Canterbury Road area and Hazen and Sawyer was the most qualified firm; and

WHEREAS, the City's goal is to continue to be proactive with stormwater related projects;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Manager is hereby authorized to complete negotiations and execute a contract with Hazen and Sawyer for professional services associated with the design of a stormwater improvement project located in the Edwin/Celia/Canterbury Road area, in the amount of $602,000, and to execute any change orders to this contract not to exceed 15% of the original contract amount ($90,300) for a total amount up to $692,300. The City Manager is also authorized to execute any easement documents necessary for construction of the project and to petition for stormwater grant opportunities associated with the construction of this project.

Read, approved and adopted this the 8th day of November, 2016.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

242

RESOLUTION NO. 16- 246

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON PROPERTY NEAR MARTIN LUTHER KING JR DRIVE TO DDG REAL ESTATE LLC FOR CONSTRUCTION OF A SEWER LINE

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located on Martin Luther King Jr. Drive, identified as PIN# 9648585814; and

WHEREAS, Dandridge Giltz of DDG Real Estate LLC has requested a Permanent Easement containing approximately 324 square feet over a portion of said property near Dundee Street and has agreed to pay $1,113.00 as fair market consideration for said easement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located on Martin Luther King Jr. Drive near Dundee Street to DDG Real Estate LLC. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bullock
City Clerk

Edwin G. Marcus
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-247

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DR. J. PAUL MARTIN (DBA ASHEVILLE ADDICTION CONSULTANTS, PA) FOR PHYSICIAN SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City issued a Request for proposals (RFP) for physicians or physician practices to provide physician services at the Employee Health Center; and

WHEREAS, after reviewing the Responses to the RFP submitted by two offerors, City staff recommends that the City enter into a contract with Dr. J. Paul Martin (DBA Asheville Addiction Consultants, PA) for physician services; and

WHEREAS, City staff recommends the execution of a contract with an initial term of one (1) year with up to two (2) one-year extensions to said contract upon mutual approval of the parties; and

WHEREAS, the contract effective date shall be January 1, 2017; and

WHEREAS, the contract value shall not exceed $60,000 for the half-year period from 01/01/17 to 06/30/17 with subsequent fiscal years having a base value of $120,000 plus an annual cost of living adjustment (COLA); and

WHEREAS, the monies for this contract have been budgeted in the Health Care Fund Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to negotiate and enter into a contract on behalf of the City of Asheville with Dr. J. Paul Martin (DBA Asheville Addiction Consultants, PA) and further authorized to execute any extensions or change orders to said contract or documents which may arise during performance of said contract up to the budgeted amount.

Read, approved and adopted this the 8th day of November, 2016.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 16-248

RESOLUTION DONATING MICROFILM OF CITY COUNCIL MEETING MINUTES FROM 1849 - JUNE 24, 2008, TO PACK LIBRARY

WHEREAS, the City of Asheville is authorized pursuant to N. C. Gen. Stat. sec. 160A-280 to donate personal property to other governmental units that the governing body deems to be surplus, obsolete or unused; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 160A-280, City Council deems the property to be surplus, obsolete or unused personal property; and

WHEREAS, the N.C. Dept. of Cultural Resources required the purchase of microfilm before the City could purchase DVD's of the City Council meeting minutes from 1849 - June 24, 2008; and

WHEREAS, the City Clerk's Office has DVD's of City Council meeting minutes from June 24, 2008, to present and had purchased same when this option became available; and

WHEREAS, because the City of Asheville does not have a microfilm machine, they feel it is in the best interests of the City of Asheville to donate the microfilm to Pack Library for their North Carolina Collection; and

WHEREAS, the approximate value of the donated items is $364;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to donate City Council the microfilm of the City Council meeting minutes of 1849 - June 24, 2008, to Pack Library for their North Carolina collection.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion

RESOLUTION NO. 16-249

RESOLUTION APPOINTING A MEMBER AND CHAIR TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the term of Bill Lack, as a member and Chair of the Alcoholic Beverage Control Board, expires on November 13, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Jan Davis, 31 Graystone Road, Asheville, N.C., be and he is hereby appointed as a member of the Alcoholic Beverage Control Board, to serve a three-year term, term to expire November 13, 2019, or until his successor has been appointed.

Mr. Lewis Isaac 64 Owens Bell Lane, Asheville, N.C., be and he is hereby appointed as Chairman of the Alcoholic Beverage Control Board to serve at the pleasure of City Council.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

246

RESOLUTION NO. 16-250

RESOLUTION APPOINTING A MEMBER TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE

WHEREAS, Mr. Jerome Jones has resigned as a member of the HUB Community Economic Development Alliance, thus leaving a vacancy until August 22, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Mark Collins, 41 Stonebridge Drive, Asheville, N.C., be and he is hereby appointed as a member to the HUB Community Economic Development Alliance, to serve the unexpired term of Mr. Jones, term to expire August 22, 2018, or until his successor has been appointed.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock

RESOLUTION NO. 16-251

RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the term of DeWayne Barton (representing 28806 or 28728 zip code) as a member on the Neighbo-hood Advisory Committee, expired on July 1, 2016; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Ken Miller, 21 Morris Street, Asheville, N.C., be and he is hereby appointed to serve a three-year term (representing 28806 or 28728), term to expire July 1, 2019, or until his successor has been appointed.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bulleson
CITY CLERK

Edwin C. Marcus
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 16-252

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART AND CULTURAL COMMISSION

WHEREAS, Ms. Alyssa Dreyfus has resigned as a member of the Public Art and Cultural Commission, thus leaving a vacancy until June 30, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Micah Mackenzie, 207 Coxe Avenue, Asheville, N.C., be and he is hereby appointed as a member to the Public Art and Cultural Commission, to serve the unexpired term of Ms. Dreyfus, term to expire June 30, 2018, or until his successor has been appointed.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 16-253

RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

WHEREAS, Ms. Kimberly Reed has resigned as a member of the Recreation Board, thus leaving a vacancy until June 30, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Tiffany DE'Bellott, 46 Hidden Acres Drive, Asheville, N.C., be and she is hereby appointed as a member to the Recreation Board, to serve the unexpired term of Ms. Reed, term to expire June 30, 2017, or until her successor has been appointed.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 16-254

RESOLUTION AGAINST DISCRIMINATION AND INTIMIDATION

WHEREAS, the City of Asheville takes great pride in being a welcoming and diverse community where all citizens can live and work without fear of physical violence, threats or intimidation; and

WHEREAS, the City of Asheville believes that promoting diversity and inclusion in public policy benefits our community and its citizens in positive ways while the opposite puts the City and its citizens at risk;

WHEREAS, the City of Asheville is committed to treating every citizen equally and without regard to race, color, creed, religion, national origin, gender (including pregnancy), gender identity or expression, sexual orientation, age, familial status, or disability.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. This Council is dedicated to ensuring that the City of Asheville remains a welcoming and diverse community where everyone is treated equally and with respect, and to that end states that:

   - Hate crimes, threats or intimidation of a criminal nature will not be tolerated; and
   - Every citizen of this great City is called upon to demonstrate that intolerance and hatred will not be accepted within our community; and
   - Any person who is a victim of a crime, has witnessed a criminal act, or has information regarding a criminal act is encouraged to contact the appropriate law enforcement agency.

2. That this resolution shall be effective upon its adoption.

Read and approved and adopted this 13th day of December 2016.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION 16-255

RESOLUTION CERTIFYING AND DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM ON THE BOND ORDERS AUTHORIZING THE ISSUANCE OF $32,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS, AUTHORIZING THE ISSUANCE OF $25,000,000 GENERAL OBLIGATION HOUSING BONDS AND AUTHORIZING THE ISSUANCE OF $17,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS HELD FOR THE CITY OF ASHEVILLE, NORTH CAROLINA ON NOVEMBER 8, 2016

WHEREAS, the City Council of the City of Asheville, North Carolina has considered the Certificate of Canvass of the Buncombe County Board of Elections canvassing the referendum held for the City of Asheville, North Carolina on November 8, 2016 and certifying the result thereof to the City Council and has canvassed the result of said referendum.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA that it be and hereby is certified and declared that the number of voters registered and qualified to vote at said referendum was 71,962.

BE IT FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted **"Yes"** in answer to the question

> "*SHALL* the order authorizing $32,000,000 of bonds plus interest to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, pedestrian and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; acquiring, constructing, extending and improving greenways, providing related landscaping, retaining walls, storm drainage and any other necessary improvements; and the acquisition of land and rights-of-way in land required therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?";

was 35,377. The total number of voters who voted **"No"** in answer to such question was 11,289. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

BE IT FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted **"Yes"** in answer to the question

> "*SHALL* the order authorizing $25,000,000 of bonds plus interest to provide funds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of

low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto, and the relocation of City facilities to make land available for the construction of housing for persons of low income, or moderate income, or low and moderate income, and the acquisition of land and rights-of-way required therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?";

was 33,250. The total number of voters who voted **"No"** in answer to such question was 13,442. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

BE IT FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted **"Yes"** in answer to the question

"*SHALL* the order authorizing $17,000,000 of bonds plus interest to provide funds to pay the capital costs of infrastructure improvements for various parks and recreation facilities of the City, including the cost of related studies, plans and design, acquiring, constructing, reconstructing, improving, installing or providing storm drainage, grade and surface improvements, construction, reconstruction and improvements of recreation fields; construction, reconstruction and improvements of restroom facilities; sidewalks, bike paths and pedestrian trails; paving, resurfacing, grading or improving parking lots, roads and intersections, providing public open space, landscaping and lighting, and acquiring any necessary equipment, land, interests in land and rights-of-way therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?";

was 36,151. The total number of voters who voted **"No"** in answer to such question was 10,816. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

BE IT FURTHER RESOLVED, that a statement substantially in the form hereinafter set forth declaring the result of each said referendum shall be prepared, delivered to the City Clerk for filing and recordation and published in accordance with law.

BE IT FURTHER RESOLVED, that this Resolution shall become effective on the date of its adoption.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bouleson — City Clerk

Esther E. Manheimer — Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

STATEMENT OF RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF $32,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS HELD FOR THE CITY OF ASHEVILLE, NORTH CAROLINA ON NOVEMBER 8, 2016

WHEREAS, by direction of the City Council (the "*City Council*") of the City of Asheville, North Carolina, a special bond referendum was duly called and held for said City on November 8, 2016 for the purpose of submitting to the qualified voters of said City the question hereinafter set forth, and said City Council has received from the Buncombe County Board of Elections a certification of the results of said referendum, and has determined the result of said referendum to be as hereinafter stated;

NOW, THEREFORE, the City Council hereby makes the following statement of the result of said referendum pursuant to The Local Government Bond Act:

(1) The number of voters registered and qualified to vote at said referendum was 71,962.

(2) The total number of voters who voted **"Yes"** in answer to the question,

"*SHALL* the order authorizing $32,000,000 of bonds plus interest to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, pedestrian and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; acquiring, constructing, extending and improving greenways, providing related landscaping, retaining walls, storm drainage and any other necessary improvements; and the acquisition of land and rights-of-way in land required therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?";

was 35,377. The total number of voters who voted **"No"** in answer to such question was 11,289. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after December 16, 2016.

CITY COUNCIL OF THE CITY OF ASHEVILLE,
NORTH CAROLINA

STATEMENT OF RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF $25,000,000 GENERAL OBLIGATION HOUSING BONDS HELD FOR THE CITY OF ASHEVILLE, NORTH CAROLINA ON NOVEMBER 8, 2016

WHEREAS, by direction of the City Council (the "*City Council*") of the City of Asheville, North Carolina, a special bond referendum was duly called and held for said City on November 8, 2016 for the purpose of submitting to the qualified voters of said City the question hereinafter set forth, and said City Council has received from the Buncombe County Board of Elections a certification of the results of said referendum, and has determined the result of said referendum to be as hereinafter stated;

NOW, THEREFORE, the City Council hereby makes the following statement of the result of said referendum pursuant to The Local Government Bond Act:

(1) The number of voters registered and qualified to vote at said referendum was 71,962.

(2) The total number of voters who voted **"Yes"** in answer to the question,

"*SHALL* the order authorizing $25,000,000 of bonds plus interest to provide funds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto, and the relocation of City facilities to make land available for the construction of housing for persons of low income, or moderate income, or low and moderate income, and the acquisition of land and rights-of-way required therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?"

was 33,250. The total number of voters who voted **"No"** in answer to such question was 13,442. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after December 16, 2016.

CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA

STATEMENT OF RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF $17,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS HELD FOR THE CITY OF ASHEVILLE, NORTH CAROLINA ON NOVEMBER 8, 2016

WHEREAS, by direction of the City Council (the "*City Council*") of the City of Asheville, North Carolina, a special bond referendum was duly called and held for said City on November 8, 2016 for the purpose of submitting to the qualified voters of said City the question hereinafter set forth, and said City Council has received from the Buncombe County Board of Elections a certification of the results of said referendum, and has determined the result of said referendum to be as hereinafter stated;

NOW, THEREFORE, the City Council hereby makes the following statement of the result of said referendum pursuant to The Local Government Bond Act:

(1) The number of voters registered and qualified to vote at said referendum was 71,962.

(2) The total number of voters who voted **"Yes"** in answer to the question,

"*SHALL* the order authorizing $17,000,000 of bonds plus interest to provide funds to pay the capital costs of infrastructure improvements for various parks and recreation facilities of the City, including the cost of related studies, plans and design, acquiring, constructing, reconstructing, improving, installing or providing storm drainage, grade and surface improvements, construction, reconstruction and improvements of recreation fields; construction, reconstruction and improvements of restroom facilities; sidewalks, bike paths and pedestrian trails; paving, resurfacing, grading or improving parking lots, roads and intersections, providing public open space, landscaping and lighting, and acquiring any necessary equipment, land, interests in land and rights-of-way therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?"

was 36,151. The total number of voters who voted **"No"** in answer to such question was 10,816. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after December 16, 2016.

CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA

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RESOLUTION NO. 16-256

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH HARPER CORPORATION GENERAL CONTRACTORS FOR THE MISCELLANEOUS WATER TREATMENT PLANT UPGRADES PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Miscellaneous Water Treatment Plant Upgrades Project; and

WHEREAS, the project includes, but is not limited to: all labor, materials, equipment, and incidentals required for: (1) replacement of rate of flow controllers, butterfly valves and powered actuators for Filters 1-6 at the North Fork WTP; (2) replacement of the backwash rate of flow controller and backwash pipe leak repair at North Fork; (3) construction of backwash lagoon parshall flume flow meter, RTU and wireless transmitter at North Fork; (4) construction of backwash lagoon ultrasonic level sensor flow meter, RTU, solar panel and wireless transmitter at the Mills River WTP; (5) repair of leaks around pipe penetrations in the filter gallery wall at North Fork; (6) construction of an 8-inch high pressure water line and fire hydrant and a 2-inch water line and yard hydrants at North Fork; (7) architectural and structural building repairs at North Fork; and (8) repair to stop a leak around inlet pipe penetration in the clearwell at North Fork; and

WHEREAS, Harper Corporation General Contractors was the lowest responsible, responsive bidder for the Project, in the amount of $1,539,000.00, with Brown and Caldwell's contract award recommendation letter with bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Contract Award Recommendation Letter with Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.
2. The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with Harper Corporation General Contractors for the Miscellaneous Water Treatment Plant Upgrades Project for the bid amount of $1,539,000 plus a 10% contingency in the amount of $153,900 for a total project budget in the amount of $1,692,900 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

Table 1. Certified Bid Tabulation
Miscellaneous Water Plant Upgrades
298-MiscWTPUpgrades2016RBD
Bid Date: November 1, 2016

	Harper	M.B. Kahn
1. Lump Sum Bid Price for all work related to replacement of rate of flow controllers, butterfly valves and powered actuators for Filter No. 1, 2, 3, 4, 5, and 6 at the North Fork Water Treatment Plant	$1,204,500	$930,910
2. Lump Sum Bid Price for all work related to replacement of the backwash rate of flow controller and backwash pipe leak repair at the North Fork Water Treatment Plant	$80,000	$194,000
3. Lump Sum Bid Price for all work for construction of the backwash lagoon parshall flume flow meter, RTU and wireless transmitter at the North Fork Water Treatment Plant	$135,000	$161,750
4. Lump Sum Bid Price for all work for construction of the backwash lagoon ultrasonic level sensor flow meter, RTU, solar panel and wireless transmitter at the Mills River Water Treatment Plant	$75,000	$97,000
5. Lump Sum Bid Price for all work related to the repair of leaks around pipe penetrations in the filter gallery wall at the North Fork Water Treatment Plant	$10,000	$81,000
6. Lump Sum Bid Price for all work related to construction of an 8-inch high pressure water line and fire hydrants and 2-inch water line and yard hydrants at the North Fork Water Treatment Plant	$20,000	$81,000
7. Lump Sum Bid Price for all work related to architectural and structural building repairs at the North Fork Water Treatment Plant	$7,000	$65,000
8. Lump Sum Bid Price for all work for a repair to stop a leak around the inlet pipe penetration in the clearwell at the North Fork Water Treatment Plant	$7,500	$15,966
Total Base Bid	$1,539,000	$1,626,626

I hereby certify that the above bid tabulation is a correct tabulation of the bids received on November 1, 2016 for the Miscellaneous Water Plant Upgrades project.

RESOLUTION NO. 16-257

RESOLUTION AUTHORIZING AN AMENDMENT TO THE EXISTING LEASE AGREEMENT BETWEEN DEWINE SEEDS-SILVER DOLLAR BASEBALL AND THE CITY OF ASHEVILLE FOR 30 BUCHANAN PLACE IN DOWNTOWN ASHEVILLE

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to lease City owned property; and

WHEREAS, the City of Asheville is the owner of real property located at 30 Buchanan Place, identified as PIN #9648-47-8566-00000; and

WHEREAS, the current tenant, DeWine Seeds-Silver Dollar Baseball and the City of Asheville would like to extend the existing lease for an additional two year term; and

WHEREAS, the rental beginning December 2016 for the leased premises will be $1.00 annually;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an amendment to the existing Lease Agreement between DeWine Seeds-Silver Dollar Baseball and the City of Asheville for 30 Buchanan Place at PIN # 9648-47-8566-00000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 16-258

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 12 LOOP RD. PURSUANT TO N.C.G.S. 160A-31

WHEREAS, petitions requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the petitions have been signed by the owners of all the real property within the area described herein; and

WHEREAS, the City Clerk has investigated the sufficiency of the petition and has certified to the City Council the sufficiency thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Council Chamber on the Second Floor of the City Building at 5:00 PM on the 10th day of January 2017.

Section 2. The area proposed for annexation is as described on "Property Description" exhibit attached hereto. A map of the same subject property is attached hereto as "Property Map".

Section 3. Notice of the public hearing shall be published in the Asheville Citizen-Times, a newspaper having general circulation in the City of Asheville, at least ten (10) days prior to the date of the public hearing.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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EXHIBIT A

PROPERTY DESCRIPTION - 12 Loop Rd.

Legal Description of the City of Asheville Annexation Parcel:

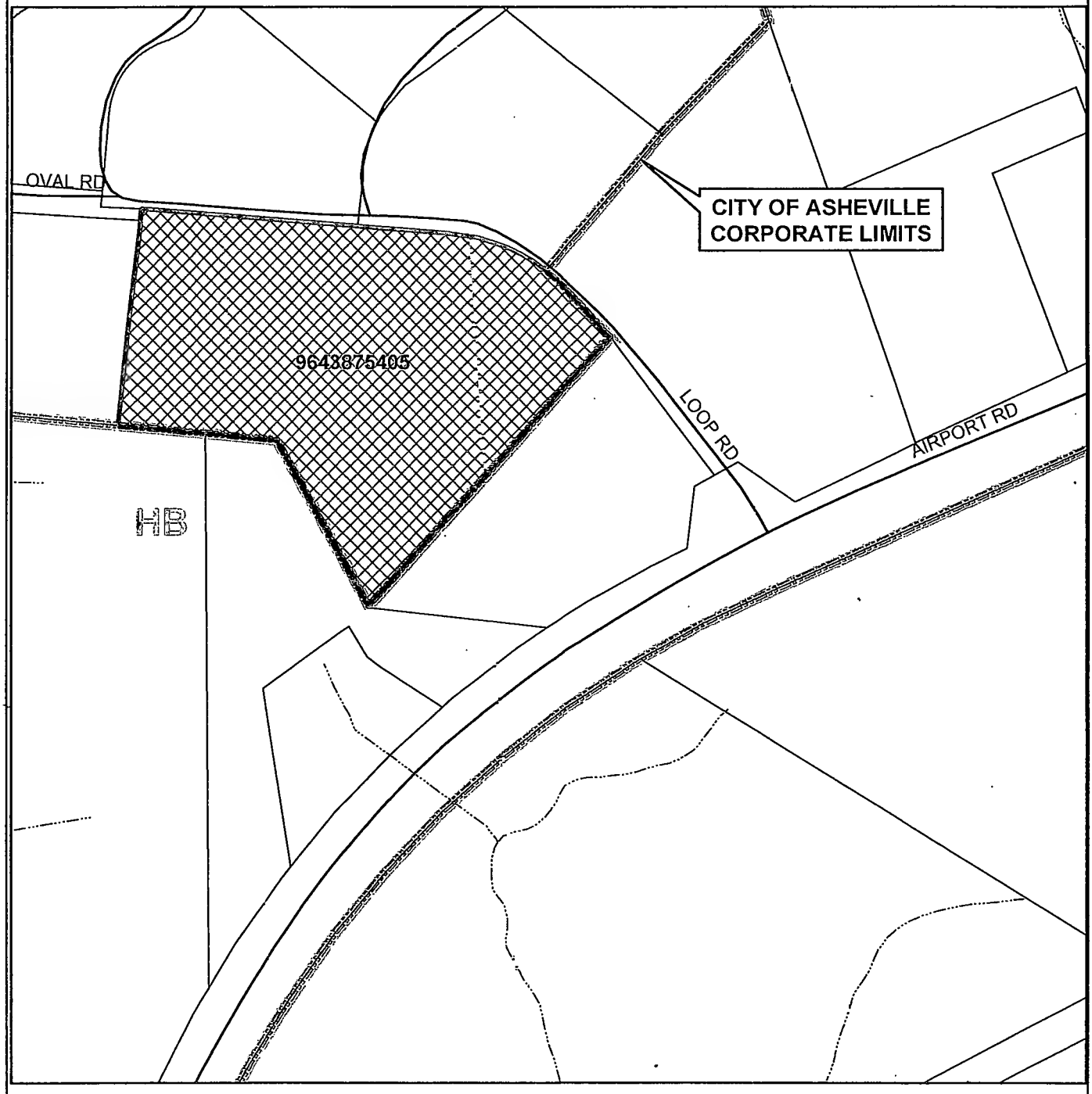
Beginning on a 3/4" iron pipe found, said iron pipe marking the terminus of the first call of the deed recorded in Deed Book 1504 Page 333 of the Buncombe County, North Carolina Register of Deeds Office (the "Registry"), and said iron pipe also being located North 81° 54' 17" West 251.70 feet from a ½" rebar marking the easternmost corner of Tract Four as shown on the plat recorded in Plat Book 96 Page 18 of the Registry; thence from said Point of Beginning and running with the eastern line of the FAA Lease Area shown in Plat Book 88 Page 15 and described in Deed book 5333 Page 182, both of the Registry, North 29° 08' 58" West 258.15 feet to a 1" iron pipe, said iron pipe marking the northeast corner of Tract Four as shown on Plat Book 96 Page 18; thence with the northern line of said Tract Four North 84° 47' 45" West 219.78 feet to a #5 rebar with "H&B" ID cap found, said rebar marking the southeastern corner of the Johnson property described in Deed Book 2713 Page 191 of the Registry; thence running with the eastern line of the Johnson property North 5° 23' 14" East 294.80 feet to a railroad spike with divot found, said railroad spike lying in the southern margin of the 60' right-of-way for Loop Road as described in Deed Book 4908 Page 1635 and Deed Book 1398 Page 715 of the Registry; thence running with the southern margin of the 60' right-of-way for Loop Road the following four calls:

1. South 86° 01' 01" East 431.49 feet to a point, thence
2. On a curve to right having a radius of 261.10 feet, a chord bearing and distance of South 71° 43' 32" East 126.55 feet, and an arc length of 127.82 feet to a point, said point being located South 43° 34' 03" West from a 5/8" rebar in the northern margin of the right-of-way for Loop Road, thence
3. On a curve to right having a radius of 261.10 feet, a chord bearing and distance of South 48° 19' 16" East 85.10 feet, and an arc length of 85.48 feet to a point, thence
4. South 38° 01' 35" East 66.87 feet to a survey marker nail set, said nail marking the northernmost corner of the property belonging to English Oak Green LLC as described in Deed Book 4908 Page 1637 of the Registry, thence

Running with the western boundary line of the aforementioned English Oak Green LLC property South 43° 14' 02" West 494.09 feet to the Point and Place of Beginning, and containing 4.897 acres, more or less;

And being all of the property described in a deed to English Oak Industrial LLC recorded in Deed Book 4908 Page 1635 of the Registry.

Exhibit B Map
Petition for Voluntary Annexation - 12 Loop Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

Project Description: Petition for Voluntary Annexation
Petitioner(s): English Oak Industrial, LLC
(Mark Kushigian)
Parcel ID Number(s): 9643-87-5405
Location/Address: 12 Loop Rd.

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RESOLUTION NO. 16- 259

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH B.ALLEN CONSTRUCTION, INC. FOR THE CONSTRUCTION IMPROVEMENTS FOR THE ASHEVILLE WILDLIFE PARK – VISITOR RECEPTION AND WELCOME PLAZA

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, The City has determined existing entrance to the Nature Center (aka Asheville Wildlife Park) needs improvements due to the age of the facility as well as the growing visitor attendance at this facility: and

WHEREAS, the City has identified the need for improvements and has planned to complete the project under the general capital improvement fund for Parks and Recreation Department; and

WHEREAS, the Nature Center improvements demonstrates the City's commitment to maintain and improve the City's infrastructure as identified in the 2036 Council Vision; and

WHEREAS, the Nature Center Park improvements will provide more parking on the entrance level, be more accessible to the visitor and greatly improve the visitor's experience arriving and departing the Nature Center as identified in the Parks, Recreation Cultural Arts, and Greenway Master Plan; and

WHEREAS, in accordance with N.C.G.S. 143-129 a formal advertisement for bids was issued and B. Allen Construction, Inc. was selected as the lowest, responsible bidder; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with B. Allen Construction, Inc. to improve the Asheville Wildlife Park – Visitor Reception and Welcome Plaza for an amount of $1,029,382.00 plus a contingency of $87,000.00, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project within the approved budget.

Read, approved and adopted this the 13th day of December, 2016.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 16-260

RESOLUTION ADOPTING THE 2017 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The following schedule of the meetings of the Asheville City Council for 2017 be, and the same is, hereby established as follows:

City Council Formal Meetings
5:00 p.m.
2nd and 4th Tuesdays of each month
Council Chamber – 2nd Floor
City Hall Building, Asheville, N.C.

City Council Organizational Meeting
4:00 p.m.
Tuesday, December 5, 2017
Council Chamber – 2nd Floor
City Hall Building, Asheville, N.C.

BE IT FURTHER RESOLVED THAT:

The following meetings are hereby cancelled: Tuesday, July 11, 2017; Tuesday, August 8, 2017; and Tuesday, December 26, 2017.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-261

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH BUCKEYE BRIDGE, LLC CONSTRUCTION GROUP FOR THE PROJECT KNOWN AS CEDAR STREET BRIDGE REPAIR

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Cedar Street Bridge Repair, City of Asheville Project #ENG-13-14-003; and

WHEREAS, Buckeye Bridge, LLC Construction Group from Canton, NC was the lowest responsible bidder for the project, in the amount of $295,685, and

WHEREAS, the project involves the Repair of the Cedar Street Bridge that has been degraded over time and requires repair and maintenance; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $295,685 with Buckeye Bridge, LLC Construction Group for the project known as Cedar Street Bridge Repair, City of Asheville Project #ENG-13-14-003. The City Manager is also authorized to execute any change orders to said contract which may arise during the execution of said project, up to the budgeted amount.

Read, approved and adopted this the 13th day of December, 2016.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-262

RESOLUTION AUTHORIZING AMENDMENTS TO THE CITY OF ASHEVILLE WATER RESOURCES DESIGN AND CONSTRUCTION MANUAL

WHEREAS, pursuant to N.C.G.S. §160A-312, the City of Asheville ("City") has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. §160A-312(b), the City may adopt rules to protect and regulate any public enterprise system belonging to or operated by it both within and outside the corporate limits of the city; and

WHEREAS, the Water Resources Design and Construction Manual ("Manual") was last updated and adopted by City Council on December 14, 2010; and

WHEREAS, the Manual must be amended to remain compliant with State law, for clarification purposes and more efficient administration;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville Water Resources Design and Construction Manual be amended as set forth in the attached Exhibit A.

Read and approved this 13th day of December 2016.

Magdalen Bradley
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bradley
City Clerk

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Exhibit A

CITY OF ASHEVILLE WATER RESOURCES DESIGN & CONSTRUCTION MANUAL

W8 WATER BOOSTER PUMP STATIONS

A. General

Where required to provide minimum flow and pressure requirements, water booster pumping stations shall be constructed in accordance with the Technical Specification for Package Water Booster Pumping Station for City of Asheville ownership and maintenance.

~~All new water system extensions requiring a booster pumping station will require payment of a "Pump Station Maintenance Fee" prior to granting final plan approval. The amount of the maintenance fee shall be as specified by the Director. The Engineer of Record shall provide a cost schedule for the pump station including all components, back-up power generator, skid equipment, SCADA, fencing, utilities, etc.~~

Except as specifically approved otherwise in writing by Director, pumping units shall not cause drop in suction pressures greater than 20 PSI between operating and stopped condition, increase the discharge pressures greater than 25 PSI between operating and stopped condition, and shall not cause service pressure at any meter in water distribution system under peak demand conditions to drop below 40 PSI or increase above 200 PSI under static condition.

Guidelines used by the Water Resources Department in developing these requirements include the following: (1) each pump flow rate shall be capable of filling the associated storage reservoir with maximum pumping cycle of 8 hours per day (2) satisfy peak demand projections with minimum 40 PSI residual at all points in the Water Distribution System; (3) satisfy projected average day demand coincident with fire flow demand with minimum 20 PSI residual at all points in the Water Distribution System, with 25% of the reservoir volume conserved at the end of the fire demand period if the reservoir was full when the fire demand began; (4) maximum residual static pressure at any point in the Water Distribution System not in excess of 175 PSI with booster pump off, and no increase in pressure beyond 25 PSI at any point between pump on and pump off condition; and (5) calculated complete water turnover in the boosted area of the Water Distribution System at 85% of build-out within 5 calendar days or less under average day demand conditions.

B. Pump Design

The Engineer of record shall determine the pumping capacity and a total dynamic head of the pumping units based on the specific elevation requirements, storage availability, pipe head loss calculations, acceptable pressure range for all customer service connections, average demand with fire flow required, peak demand and maximum tank filling pumping cycle as specified above. Calculations shall be submitted as required in the section in this manual for DESIGN REPORT under procedures for extending water system and obtaining service.

C. Building or Enclosure

1. Pump station shall be designed for ground level entry to pumping units, internal piping and accessories, and electrical switch-gear and controls, through a standard doorway.

RESOLUTION NO. 16-263

RESOLUTION DONATING FOUR REELS OF 35 MM TITLED *THE CONQUEST OF CANAAN* TO THE LIBRARY OF CONGRESS

WHEREAS, the City of Asheville is authorized pursuant to N. C. Gen. Stat. sec. 160A-280 to donate personal property to other governmental units that the governing body deems to be surplus, obsolete or unused; and

WHEREAS, the City of Asheville acquired four reels of 35 mm film titled *The Conquest of Canaan* from Sovexportfilm in 1988; and

WHEREAS, the film has been stored at the University of North Carolina at Asheville D.H. Ramsay Special Collections since 2003; and

WHEREAS, because the City of Asheville and University of North Carolina at Asheville do not have adequate storage facilities, it is in the best interest of the City of Asheville to donate the film to the Library of Congress; and

WHEREAS, the invoice dating from September 15, 1988 indicate the film value at $1,260 at the time it was acquired;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to donate four reels of 35 mm film titled *The Conquest of Canaan*, to the Library of Congress.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 16- 264

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADJUST IN-KIND SUPPORT FOR THE STRATEGIC EVNET PARTNERSHIP WITH THE ASHEVILLE SUSTAINABLE AGRICULTURE PROJECT IN YEARS 2017, 2018 AND 2019

WHEREAS, the City of Asheville acknowledges the significant value in special event partnerships that further economic and community development initiatives; and

WHEREAS, the City has offered in-kind support to organizations that produce special events and festivals that meet certain criteria through Partnership agreements; and

WHEREAS, the Appalachian Sustainable Agriculture Project is authorized to receive a specific value of in-kind support from the City to help facilitate events designed to promote an environment for investment, support entrepreneurship, and promote a high quality of life within the community; and

WHEREAS, the Appalachian Sustainable Agriculture Project has requested additional consideration for in-kind support to cover unanticipated fees for parking meter closures that would be incurred as a result of relocating the Asheville City Market to North Market Street;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is authorized to adjust the strategic event partnership agreement with the Appalachian Sustainable Agriculture Project to include an additional $9,360 value of in-kind support assigned specifically to fees associated with the closure of parking meters for the Asheville City Market on North Market Street for partnership years 2017, 2018 and 2019.

2. Under the terms of the strategic event partnership agreement, the Community & Economic Development department and each non-profit organization will specify annual performance goals and objectives within the agreement for the first year and repeatedly for the continuation of the partnership for subsequent two years.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 16- 265

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADJUST IN-KIND SUPPORT UP TO 10 PERCENT IN THE EVENT THAT CITY FEES INCREASE OR CITY SERVICE REQUIREMENTS RESULT IN ADDITIONAL COSTS TO EVENTS CONDUCTED UNDER THE 2017-2019 STRATEGIC EVENT PARTNERSHIP AGREEMENTS

WHEREAS, the City of Asheville acknowledges the significant value in festival and special event partnerships that further economic and community development initiatives; and

WHEREAS, the City has offered in-kind support to organizations that produce special events and festivals that meet certain criteria; and

WHEREAS, City staff carefully tracks and records in-kind support utilization up to the maximum approved amounts for each event conducted under partnership; and

WHEREAS, it is City practice in contracts to authorize a contingency, allowing for small adjustments that provide an environment for more efficient administrative practices, reducing staff time in returning to City Council in the case of small overages in original budget approvals;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is authorized to adjust in-kind support up to 10% in the event that city fees increase or city service requirements result in additional costs to events conducted under the 2017-19 Strategic Event Partnership agreements.

2. Under the terms of the strategic event partnership agreement, the Community & Economic Development department and each non-profit organization will specify annual performance goals and objectives within the agreement for the first year and repeatedly for the continuation of the partnership for subsequent two years.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

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RESOLUTION NO. 16-266

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND EXECUTE A GRANT AGREEMENT WITH THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FROM THE 2015-16 TOURISM PRODUCT DEVELOPMENT FUND CYCLE

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-17.1 the City is authorized to make contracts and accept grants from other governments and their agencies; and

WHEREAS, the BCTDA awarded the City $700,000 of funds for the French Broad River Greenway – West as part of the Riverfront Destination Development Project 2.0 in October 2015 and these funds became available in 2016; and

WHEREAS, the City of Asheville wishes to leverage grant funding to support the multi-year capital improvement plan; and

WHEREAS, City Council has identified implementation of riverfront redevelopment capital improvement projects as a key strategic goal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept and execute the grant agreement with the BCTDA for $700,000 of 2015-16 Tourism Product Development Fund cycle funds.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 16- 267

RESOLUTION APPROVING AMENDMENTS TO THE HOUSING TRUST FUND POLICY

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, the City Council has amended the adopted policies and guidelines from time to time as needed; and

WHEREAS, amendments are now proposed and recommended for approval by the City Council's Housing and Community Development Committee;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville Housing Trust Fund is hereby amended, as published below;
2. The amended policy is effective as of the date of this resolution.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

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CITY OF ASHEVILLE

HOUSING TRUST FUND

Policy Guidelines

City of Asheville
Community Development Division

Effective December 13, 2016
(Last updated December 13, 2016)

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Appendix 1 – Affordability Requirements

HOUSING TRUST FUND POLICY GUIDELINES

I. Introduction

The City of Asheville Housing Trust Fund program was established in September 2000 with the goal of providing low cost financial assistance to incentivize the development and preservation of affordable housing within the city limits.

The City of Asheville continues to offer low interest loans for the creation of new affordable units. Professional real estate developers are encouraged to apply when constructing housing for low-income persons. All financing will be provided in the form of loans. Grants will not be made from the Housing Trust Fund.

II. Housing Trust Fund Priorities

The following affordable housing priorities have been established for the fund:

- Rental housing will be prioritized over homeownership projects.
- The development of units serving the lowest income households will be given higher priority.
- Developers seeking lower per-unit subsidies will be given more priority in the scoring model.
- Projects with final planning and zoning approval are preferable (but not required).
- One-bedroom and efficiency (studio) units are most needed and will be given higher priority.
- Multi-family developments are preferred over single family development.
- Projects developed along transit and multi-modal corridors will be given higher priority.
-
- Projects that incorporate green-building elements and have the highest energy efficiency (as determined by an outside rating agency) will be given higher priority.

III. Eligibility

A. Eligible Developers

The following persons and organizations may apply for financing:

1. For-profit Corporations, Partnerships, or Sole Proprietors.
2. Private incorporated non-profit agencies with IRS 501(c) designation.
3. Public Housing Agencies
4. State and Local Governments.

B. Eligible Activities

The following types of projects will be eligible for assistance:

1. Construction of new housing for sale or rental, including land acquisition and hard costs. (Note: *Homeownership developments are eligible for short-term construction loans only. Long term amortizing loans are available only for the development of rental housing).*
2. Conversion or adaptive reuse of existing non-residential structures for housing.
3. Purchase and rehabilitation of existing substandard multifamily housing units that do not meet the City's minimum housing code. *Single family residences and duplexes are ineligible.*
4. Purchase and rehabilitation or conversion of market rate multifamily developments to affordable housing. (Note: *A conversion project must result in minimal displacement of current residents and the impact on the existing workforce housing stock must be negligible.)*
5. Manufactured housing and Modular construction. Manufactured units must be titled as real property, comply with all City codes, and be attached to a permanent foundation.
6. Construction of container homes, tiny homes, and other innovative housing structures.
7. Housing Trust Funds are not available for individuals seeking to build or renovate their own home.
8. A minimum of 20% of the total project units must be affordable for the proposed development to be eligible for financing
9. Affordable units that have been pledged to the City in exchange for a density bonus, conditional zoning, conditional use permit, or other special consideration will be ineligible for financing. Additional affordable units over and above the units already pledged to the City will be considered for financing provided that a minimum of 20% of the total project will be affordable.
10. Projects must be located within the Asheville City limits to be eligible for assistance.

All completed housing must meet state and local building codes. At the City's discretion, a certified third party cost analysis may be required following completion of the project.

IV. Affordability

A. Affordability Definitions*

To be considered "affordable", housing must meet the following criteria:

1. Homes for sale must be sold to buyers whose total housing obligation (principal and interest repayments, taxes, hazard insurance, and mortgage insurance) does not exceed 30% of the buyer's household income. The buyer's total household income cannot exceed the area median income, as established by the US Department of Housing and Urban Development, by household size.

2. Rental units must be rented at or below the maximum program rents *and* tenants must have household income below 80% of area median income adjusted for family size, or 60% of area median income if the project qualifies under the Special Terms provisions in Section C, below.

*Appendix 1 provides information on income levels and rents that meet these guidelines.

B. Affordability Period

1. Construction Financing- Construction loans will require a minimum of three (3) years affordability from the date that the Occupancy Certificate is issued on each unit.

2. Permanent Financing- The required period of affordability for all long term financing will be directly proportional to the loan term (i.e. Developers requesting a 20 year loan term will be required to keep rents affordable for 20 years), but must be at least 15 years

V. Loan Terms

A. Maximum Loan Amount

The maximum loan amount available to each developer from the Housing Trust Fund is$20,000 per affordable unit. The maximum loan per project is $1,000,000.

*Note: *If a 2nd application is received for the same project at a later date, the subsidy will be calculated on the total amount financed and the total number of affordable units provided. All loan requests are subject to the availability of funds and may be reduced if resources are insufficient to meet the request.*

B. Loan Structure

1. All permanent financing for rental housing will be in the form of secured loans for a term up to thirty (30) years. The Housing Trust Fund will not make grants, forgivable loans, or indefinitely deferred loans. All construction loans will be due and payable 36 months from the date of initial loan closing.

2. Interest will be charged at 2% on all loans except those given Special Terms, as described below.

*NOTE: The City reserves the right to adjust interest rates in response to changing economic conditions.

C. Special Terms

Loans will be fully amortizing *except that*:

1. Loans for rental housing restricted to families earning less than 60% of the area median income, and with rents affordable to that population, may be amortized at 0.00% interest **or** interest-only at 2% with principal deferred for the agreed upon Period of Affordabilty, up to 30 years. If units pledged as part of the Special Terms financing are occupied by households with a Housing Choice, VASH, or other Voucher limiting the housheold's rental payment to 30% or less of their income, the Voucher Housing Payment Standard will be accepted. If a Special terms unit is rented to a household without a voucher limiting their personal rent contribution, then the actual rent charged can be no more than the 60% AMI standard as established annually by the City of Asheville.
2. Interest on construction loans may be deferred until the loan principal is due.
3. At this time, soft second mortgages to Homebuyers are not allowed.
4. It is expected that all borrowers will make regular payments on Housing Trust Fund loans. Waiver of any payment during the loan term will be considered only if extremely low households are being served by the project, and the project could not be developed without that concession

VI. Application Process

The City of Asheville maintains an open application process for the Housing Trust Fund. Applications are accepted at any time throughout the fiscal year; however, loan approvals remain subject to the availability of funds and projects must demonstrate support of the City's strategic housing goals.

1. **A $300.00 non-refundable application fee must accompany each loan application.**
2. All applications must meet a minimum scoring threshold prior to review by the Housing and Community Development Committee (HCD). Please see application for details.
3. All financing sources must be identified (not necessarily secured) within three (3) months of application.
4. All projects with projected costs greater than $5,000,000 or with more than thirty (30) units must submit an independent market study.
5. The following values should be used when completing the Operating Pro Forma:

- 5% Vacancy Factor for all years.
- 3% Annual operating expense increase.
- 3% Annual operating income increase.
- Replacement cost reserves equal to $250 per unit per year.

6. All applications will be reviewed within ten (10) days of receipt. Those meeting the minimum scoring threshold will be placed on the agenda for the next HCD meeting at which time a staff recommendation will be made. The applicant is encouraged to attend and will have the opportunity to respond to all project-related questions.
7. Those projects approved by the Housing and Community Development Committee will be placed on the next available City Council Agenda where staff will present the request for final approval. It can be anticipated that the time from application to final approval may take 30-60 days.

VII. Underwriting

1. Projects must be scheduled to break ground or spend at least 10% of total project costs within twelve (12) months of application.
2. All financing commitments necessary for the completion of the project must be secured prior to closing.
3. With the exception of Low Income Housing Tax Credit projects and non-profit agencies, credit reports, personal tax returns, and financial statements will be required for all principals, partnerships, and majority members holding more than 19.9% ownership in the organization.
4. A property appraisal dated no later than six (6) months prior to closing will be required. If the appraisal reflects a total loan-to-value (TLTV) of more than 95%, the City may require a pledge of additional equity or other assets prior to closing.
5. Applications will be reviewed by City staff. Staff will underwrite applications and score them. Outside underwriting assistance may be sought by City staff.
6. Public comment on proposed site plans and elevations will be considered as part of the underwriting process.
7. Conditional loan commitments will be issued upon final loan approval for a period of ninety (90) days. Staff may extend commitments for up to an additional nine (9) months with the provision of updated construction timelines and satisfactory explanation for delay(s). Loan commitments for a period greater than a total of twelve (12) months will require approval by the Housing and Community Development Committee.
8. If the risk of loss appears high, a loan may be denied despite the proposed project meeting other goals and objectives of the City.

VIII. Closing and Funding

1. Closing can occur only after City Council Approval.

2. Third-party construction cost estimates are required for projects of $5 Million or more no later than 14 days prior to loan closing
3. Land acquisition may be funded at closing only if the following circumstances are met: 1) The appraised value of the land is 110% or more of the total of all funds used for acquisition; 2) The land is zoned for the proposed project without additional permissions needed; 3) All construction financing is committed; 4) The City is in no lower than second security position; 5) A realistic construction schedule, with a start date of no later than three months from closing has been submitted, reviewed and approved by staff prior to closing.

4. If funds are needed at closing for land acquisition, the City will require a minimum of fourteen (14) days advance notice to review compliance with the above requirements, and to allow time for check processing.
5. All closings will be scheduled by the developer at a closing attorney's office of their choice.
6. Personal loan guarantees will be required from all persons holding more than 19.9% interest in the organization. (*Does not apply to non-profit organizations and Low Income Housing Tax Credit Projects*).
7. The City will require a final survey, title commitment, and satisfactory Phase I environmental review five (5) days prior to closing. (NOTE: *If the Phase I Environmental suggests that a Phase II review is necessary, closing will be delayed until the Phase II has been completed.)*
8. The City will require evidence of property insurance five (5) days prior to closing- including a General Liability policy with employee dishonesty/crime coverage (showing the City of Asheville as an additional insured).
9. The developer must provide a projected draw schedule five (5) days prior to closing.
10. The developer must demonstrate full site control at least five (5) days prior to closing.
11. A W-9 Form will be required for each applicant **(Appendix 7).**
12. A closing protection letter will be required from the closing attorney.
13. The City will consider subordinating to the construction lender only upon receipt of an appraisal and verification of the senior loan terms. Subordinations are neither routine nor automatic. The City will subordinate below second lien position only if our collateral provides adequate protection. In no case will the City subordinate below third lien position.
14. Funds will not be disbursed at closing except for land acquisition. All loans will be structured as a line of credit, and funds must be drawn down proportionately with other financing sources.

IX. Post Closing

1. All disbursements are made on a reimbursement basis only and supporting documentation (i.e. paid invoices) must be provided with each draw request.

2. Eligible costs will be limited to land acquisition and "hard costs" only. Eligible "hard costs" include costs for the visible improvements- line items like grading, site improvements*, excavation, concrete, framing, electrical, carpentry, roofing, and landscaping (e.g. "brick and mortar" expenses). *NOTE: *Site improvements may include new on-site improvements (sidewalks, parking lots, utility connections, sewer and water lines, etc.) where none are present. Off-site infrastructure (such as sewer and water lines in a public street in front of the property) is not an eligible expense.*
3. Staff will conduct an on-site inspection of the property with each Draw Request received. All materials included in the Draw Request must be installed.
4. Failure to keep the property and improvements free from all liens for services, labor, and materials will be a condition of default.
5. Household income qualification must be fully documented and will be required prior to sale or lease-up for each potential buyer/tenant.
6. A copy of the settlement statement or lease agreement will be required for each initial occupant and must be provided to the City prior to tenants/buyers taking possession of the property.
7. All recipients of City funds are subject to on-site monitoring visits throughout the period of affordability. Annual rent and tenant income certifications will be required for all rental properties on December 1st of each calendar year.

X. Affirmative Marketing

The City will require all developers to abide by Fair Housing principles, which prohibit discrimination on the basis of race, age, gender, religion, national origin, disability, or familial status. Units constructed with Housing Trust Fund assistance must be openly marketed to ensure fair housing choice, with the exception of employer-assisted housing, which may be marketed specifically to employees of the sponsor of the housing. Owners of rental housing must not discriminate against tenants with Section 8 Housing Choice Vouchers and are encouraged to list all available rental properties at www.SocialServe.com.

XI. Minority Business Participation

The City has adopted a Minority Business Plan to encourage participation by minority and women-owned businesses in City-assisted projects. The City's Minority Business Plan can be found at: http://www.ashevillenc.gov/business/business_with/minority_business or you may request a copy from the Community Development Staff.

RESOLUTION NO. 16-268

RESOLUTION AUTHORIZING THE PRIVATE SALE OF CITY- OWNED REAL PROPERTY LOCATED ON PISGAH VIEW ROAD

WHEREAS, N.C. Gen. Stat. Sec. 160A-279 authorizes the City to convey by private sale an interest the City has in real property to an entity carrying out a public purpose; and

WHEREAS, N. C. Gen. Stat. Sec. 160A-267, requires City Council, when proposing to dispose of an interest in real property by private sale, to adopt a resolution or order authorizing the disposal at a regular council meeting; and

WHEREAS, the City owns approximately 16 acres of real property located on Pisgah View Road, more particularly identified on the Buncombe County tax map as PIN No. 9628.16-9767-00000 (DB 4722 at Page 1215) and PIN No. 9628.27-4164-00000 (DB 4724 at Page 711); and

WHEREAS, the City signed an agreement with Asheville Area Habitat for Humanity (herein "Habitat") to see Habitat that property for the sum of $458,300 and;

WHEREAS, both parcels are to be specifically restricted at conveyance to be used to develop approximately 100 homes which will be affordable to and sold to families with income below 80% of area median income, adjusted for family size; and

WHEREAS, Habitat has requested that the City convey the property to Habitat with the purchase price as agreed structured as a non-interest bearing loan, and that the loan subsequently be transferred on a pro-rata basis as loans from the City to the new homeowners in the development;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to execute documents and convey to Asheville Area Habitat for Humanity by private sale the City's interest in the real property located on Pisgah View Road, upon the terms proposed by Habitat, and upon the approval of the City Attorney;

2. The City Clerk is hereby authorized to publish a notice summarizing the contents of this resolution once after its adoption in a newspaper of general circulation within the City, and no sale shall be consummated hereunder until 10 days after publication of such notice.

Read, approved and adopted the 13th day of December, 2016.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 16-269

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A QUIT CLAIM DEED FOR PROPERTY LOCATED AT 1103 BREVARD ROAD

WHEREAS, the City of Asheville, hereinafter the City, operated a water pump station on property located at 1103 Brevard Road, identified as PIN #9626-64-8826; and

WHEREAS, the City abandoned the water pump station in place in 2005; and

WHEREAS, the City holds no easement or formal title associated with the property at 1103 Brevard Road and the City has determined that the City's Claim to the property is without substance; and

WHEREAS, the City wishes to convey any interest or claim the City may have to the abandoned pump station to the new purchaser in order to remove any cloud on the fee holder's title.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a quit claim deed for its interest or claims to real property located at 1103 Brevard Road (identified as PIN# #9626-64-8826) to Vinod Patel. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

RESOLUTION NO. 16-270

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH MATTERN AND CRAIG, INC. FOR THE PROJECT KNOWN AS NEW LEICESTER HIGHWAY SIDEWALK DESIGN

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, letters of interest were requested for the project known as New Leicester Highway Sidewalk Design, City of Asheville Project #TR-15-16-001; and

WHEREAS, Mattern and Craig, Inc. from Asheville, NC was the determined to be the most qualified firm that submitted a letter of interest for the project; and

WHEREAS, the project involves the design of a sidewalk along New Leicester Highway (NC-63); and

WHEREAS, the letters of interests have been reviewed by a selection committee consisting of City staff and the committee recommending Mattern and Craig as most qualified;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $190,310.00 Mattern and Craig Inc. for the project known as New Leicester Highway Sidewalk Design, City of Asheville Project #TR-15-16-001. The City Manager is also authorized to execute any change orders to said contract which may arise during the execution of said project up to the project budget of $350,000.

Read, approved and adopted this the 13th day of December, 2016.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

284

RESOLUTION NO. 16-271

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH ESKOLA, LLC FOR THE WILLIAM DEBRUHL WATER TREATMENT PLANT FACILITY IMPROVEMENTS PROJECT.

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as the William DeBruhl Water Treatment Plant Facility Improvements Project; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for removal and replacement of the existing modified bitumen roof of the treatment building and pumping station, the repointing of various cracks and separations within the façade of the treatment facility, and pumping station building, lintel repairs, façade investigation on the treatment building, and the repair of the column support within the filter gallery; and

WHEREAS, Eskola, LLC was the lowest responsible, responsive bidder for the Project, in the amount of $171,700.00, with GHD's contract award recommendation letter with bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid.

WHEREAS, the monies are currently allocated within the Water Treatment Plant Maintenance Project in the Water Resources Capital Improvement Projects Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Contract Award Recommendation Letter with Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.
2. The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with Eskola, LLC for the William DeBruhl Water Treatment Plant Facility Improvements Project for the bid amount of $171,700.00 plus a 10% contingency in the amount of $17,170.00 for a total project budget in the amount of $188,870.00 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Seal

November 21, 2016

Project	City of Asheville, Water Resources Department	From	Michael E. Bisignani, P.E.
Subject	DeBruhl WTP Facility Improvements	Tel	980-221-8031
Date	November 21, 2016	Job No	111/10944/200
		Your Ref.	298-WDWTProof2016

CERTIFIED BID TABULATION

BIDDER	Item 1 - Roof Replacement	Item 2 – Façade Improvements	A-1 – Entryway Roof Replacement	Total Construction Cost
Eskola LLC	$154,800.00	$10,400.00	$6,500.00	$171,700.00
Gilbert Engineering	$266,000.00	$125,000.00	$20,000.00	$411,000.00
Rike Roofing	$198,900.00	$0.00	$0.00	$198,900.00

I hereby certify that the above bid tabulation is correct for bids received on November 18th 2016 for the construction of the DeBruhl WTP Facility Improvements Project.

Name: Michael Bisignani

Date: 11/21/2016

NORTH CAROLINA PROFESSIONAL SEAL 039612 ENGINEER MICHAEL EVERETT BISIGNANI

GHD Consulting Services Inc. 222 South Church Street Suite 400 Charlotte North Carolina 28202
T 1 704 342 4910 F 1 704 342 4911 E cltmail@ghd.com W www.ghd.com

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RESOLUTION NO. 16-272

RESOLUTION ACCEPTING FUNDS FROM THE MONTFORD NEIGHBORHOOD ASSOCIATION TO CONSTRUCT AND INSTALL TWO BUS SHELTERS

WHEREAS, the Transit Master Plan calls for the installation of new bus shelter facilities; and

WHEREAS, the Montford Neighborhood Association has authorized the donation of funds to assist in the construction and installation of new custom shelters; and

WHEREAS, the custom shelter designs are approved by the Historic Resources Commission and are compliant with design guidelines for the Montford Historic District; and

WHEREAS, the shelters will improve the quality of Transit facilities in the area;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council authorizes the City Manager to accept the $12,543.12 donation from the Montford Neighborhood Association to build and install two transit shelters.

Read, approved and adopted this the 13th day of December 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 16-273

RESOLUTION SUPPORTING THE FONTA FLORA STATE TRAIL EXTENSION TO ASHEVILLE

WHEREAS, the State of North Carolina has authorized the Fonta Flora State Trail as a unit of the State Parks System and a component of the State Trails System; and

WHEREAS, the Fonta Flora State Trail will be a recreational resource of statewide significance and will provide economic, health, environmental, and transportation benefits; and

WHEREAS, the benefit of authorizing the addition of the trail to the State Parks System is the added recognition and publicity provided by including the trail on the Division of Parks and Recreation website, maps, brochures and other public information, as well as the enhanced ability of the state to help coordinate and facilitate the work of the other partners; and

WHEREAS, a State Trail is linear in scope and is planned, acquired, developed, and managed in a partnership among local governments, and other state and federal agencies, private landowners, and the NC Division of Parks and Recreation; and

WHEREAS, funds for building and maintaining the trail will be obtained by the partners, and General Assembly authorization may improve their ability to received grant funding from the local share of the Parks and Recreation Trust Fund, the Federal Recreational Trails Program and other sources; and

WHEREAS, the vision of the Fonta Flora State Trail has expanded to include a conceptual linear trail corridor from Morganton to Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council supports the Fonta Flora State Trail extension to Asheville.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson

RESOLUTION NO. 16-274

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH 4 SEASONS SITE & DEMO INC. FOR THE PROJECT KNOWN AS RADTIP BUILDING DEMOLITION – PHASE 2, CITY OF ASHEVILLE PROJECT # RAD-16-17-001

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as RADTIP Building Demolition – Phase 2, City of Asheville Project # RAD-16-17-001; and

WHEREAS, 4 Seasons Site & Demo Inc. of Wilmington NC was the lowest responsible bidder for the project, and

WHEREAS, 4 Seasons Site & Demo Inc. shall provide all labor, materials and equipment for the demolition of buildings at 300 Riverside Drive, Asheville NC 28801; and

WHEREAS, the amount of the agreement is $138,515 and the monies have been budgeted in the Capital Projects 2016-2017 Fiscal Year Budget; and,

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute, on behalf of the City of Asheville, a contract in the amount of $138,515 with 4 Seasons Site & Demo Inc. for the project known as RADTIP Building Demolition – Phase 2, City of Asheville Project # RAD-16-17-001, and further authorized to execute any change orders to said contract which may arise during demolition of said buildings, up to a total amount of $200,000.

Read, approved and adopted this the 13th day of December, 2016.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

RESOLUTION NO. 16-275

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT AND CHANGE ORDER TO EXTEND A CONTRACT WITH BULLINGTON CONSTRUCTION, INC. FOR THE PROJECT KNOWN AS GUARDRAIL INSTALLATION AND MAINTENANCE, CITY OF ASHEVILLE PROJECT # ST-16-17-002

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, on November 17, 2015 the City entered into a contract with Bullington Construction, Inc. for guardrail installation and maintenance with the contractor to provide all labor, materials and equipment for the installation and maintenance; and

WHEREAS, the contract was for a period of one year, in the amount of $95,585, with the option to extend the contract for two additional one year periods; and

WHEREAS, Bullington Construction, Inc. and the City of Asheville wish to extend the duration of the contract, which will require the City to expend additional funds; and

WHEREAS, the amount of the contract extension for FY 2016-2017 is $99,952.55 and the monies have been budgeted in the Public Works 2016-2017 Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract amendment and change order to extend the contract between the City of Asheville and Bullington Construction, Inc. for a one year period, in the amount of $99,952.55, and to execute any change orders to the contract which may arise during the contract term. The City Manager is also authorized to extend the contract for one additional, one year period in an amount up to $102,951.13, contingent upon available funding and budgetary approval.

Read, approved and adopted this the 13th day of December, 2016.

Magdalen Bullington
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullington

290

RESOLUTION NO. 16- 276

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT AGREEMENT FOR SKYLAND EXCHANGE (HATHAWAY DEVELOPMENT, LLC)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Skyland Exchange development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City Council, the Skyland Exchange development located at 55 Miami Circle will be a 290 unit multi-family rental development project that will fulfill an important public purpose, in that it will provide 29 units of affordable housing (defined as rents that require payment of no more than 30% of gross income for a household with an income not exceeding 80% of the area median income), and will be located within 0.5 mile of a school, and .25 mile of a public transit route; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council hereby agrees to enter into a Land Use Incentive Agreement with Hathaway Development LLC to support the development of the Skyland Exchange project. The annual land use incentive grant will be the difference between the current City tax and the estimated post-completion City tax, said grant amount currently estimated to be $167,122.75, the exact amount to be determined by the actual assessed value of the development upon completion. The grant is approved for a period of 3 years and a 30% fee rebate is approved.

2. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 13h day of December, 2016.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson

RESOLUTION NO. 16- 277

RESOLUTION TO ENTER INTO A PARTNERSHIP AGREEMENT WITH THE ASHEVILLE BUNCOMBE PRESCHOOL PLANNING COLLABORATIVE

WHEREAS, the Asheville Buncombe Preschool Planning Collaborative has requested $4,000 of City funds to support their efforts and

WHEREAS, the City Council has agreed to enter into a partnership agreement in order to provide $6,200 to the Asheville Buncombe Preschool Collaborative,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Council authorizes the City Manager to enter into a partnership agreement with the Asheville Buncombe Preschool Planning Collaborative.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlesson

RESOLUTION NO. 16-278

RESOLUTION AUTHORIZING THE CITY MANAGER TO SOLICIT QUALIFICATIONS FROM PROFESSIONALS TO EVALUATE AND ADVISE CITY COUNCIL ON THE DESIGN OF THE I-26 CONNECTOR PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the NCDOT Merger Team has recommend Alternative 4B as the preferred alternative; and

WHEREAS, the City will continue work with the NCDOT to review possible design enhancements that would minimize the overall footprint of the project and its impact on the City of Asheville, its residents, and economy, and

WHEREAS, additional technical expertise is now needed to advise the council and city staff on policy recommendations, as the scope and complexity of the project, and

WHEREAS, multi-disciplinary expertise would include but not be limited to: review and analysis of roadway design and engineering; review and analysis of noise studies and mitigation; review and analysis of traffic forecasts and simulations; review and analysis of NCDOT's construction plans and inherent assumptions (inherent assumptions include roadway design, lane closures, blasting, retaining walls, construction-related impacts, etc.); pedestrian and bike connectivity and accessibility; greenway planning and connectivity; and stormwater mitigation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to solicit qualifications from professionals to evaluate and advise city council on the design of the I-26 connector project.

Read, approved and adopted this the 13th day of December, 2016.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

RESOLUTION NO. 16- 277

RESOLUTION TO ENTER INTO A PARTNERSHIP AGREEMENT WITH THE ASHEVILLE BUNCOMBE PRESCHOOL PLANNING COLLABORATIVE

WHEREAS, the Asheville Buncombe Preschool Planning Collaborative has requested $4,000 of City funds to support their efforts and

WHEREAS, the City Council has agreed to enter into a partnership agreement in order to provide $6,200 to the Asheville Buncombe Preschool Collaborative,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Council authorizes the City Manager to enter into a partnership agreement with the Asheville Buncombe Preschool Planning Collaborative.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 17-1

RESOLUTION AUTHORIZING CITY MANAGER TO APPLY FOR DUKE ENERGY WATER RESOURCES GRANT

WHEREAS, NCGS 160A-240.1 states that the City is authorized to acquire by gift or grant any interest in personal property for use by the city or any department; and

WHEREAS, the City received an invitation from the Duke Energy Water Resources Fund to apply for the 2017 funding cycle; and

WHEREAS, if awarded, funds would be used to offset the cost for a stormwater management device on the French Broad River Greenway West Bank and to hire a firm to develop a Restorative Landscape Plan for the RADTIP area;

WHEREAS, the work proposed via this grant is in alignment with the Wilma Dykeman Riverway Master Plan, the Sustainability Management Plan, the 2025 plan and the implementation of the site plan for RADTIP;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, and if awarded, accept grant funds in the amount up to $90,000 from the Duke Energy Water Resources Fund and execute all necessary documents, after approval by the City Attorney.

Read, approved and adopted this the 10th day of January 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 17-2

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH AAR ROOFING & SHEET METAL OF NC FOR THE BINGHAM ROAD ROOF REPAIRS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Bingham Road Roof Repairs Project; and

WHEREAS, AAR Roofing & Sheet Metal of NC was the lowest responsible, responsive bidder for the Project, in the amount of $646,645, with McMillan Pazdan Smith's contract award recommendation letter with bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for replacement of approximately 51,000 Square Feet of single ply membrane roofing, tapered insulation, roof accessories, and associated flashings and trim at the new Water Maintenance / Meter Services Facility located at 200 Bingham Road in Asheville; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

WHEREAS, the monies are all allocated within the 200 Bingham Maintenance Facility project in the Water Resources Capital Improvement Projects fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Contract Award Recommendation Letter with Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.
2. The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with AAR Roofing & Sheet Metal of NC for the Bingham Road Roof Repairs Project for the base bid amount of $646,645 plus a 10% contingency in the amount of $64,665 for a total project budget in the amount of $711,310 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 10th day of January, 2017.

Magdalen Bowlesson
CITY CLERK

Edwin A. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

296.

mcmillan | pazdan | smith
ARCHITECTURE

December 6, 2016

RE: 200 Bingham Rd Re-Roof Bids

To whom it may concern:

Attached is the Bid Tabulation form for the bid opening on December 6, 2016. The apparent low bidder is AAR of NC. Their qualifications as a licensed roofing contractor appear to be in order and I recommend them to provide construction services for this project.

Sincerely,

Brian T.H. Cook, AIA

34 commerce street, asheville, nc 28801
o. 828 398 5016

mcmillanpazdansmith.com

mcmillan|pazdan|smith
architecture

Bid Tabulation
McMillan Pazdan Smith Architecture
200 Bingham Road
Re-Roof
MPS Project No. 016191.00
December 6, 2016

CONTRACTORS	Benton Roofing	Frizzell Construction Co.	AAR of NC	Eskola Roofing							
Acknowledgment of Addenda No.s 1, 2, & 3	Y	Y	Y	Y							
Bid Bond?	Y	Y	Y	Y							
Base Bid	$683,589	$783,000	$646,645	$686,500							
Alternate G1	N/A	$777,000.00	N/A	$1,000,000.00							
Alternate G2 (Deduct)	($238,984)	($257,000)	($207,247)	($150,500)							

To the best of my knowledge, all bids received and tabulated above are certified accurate.

Architect _____
Brian T.H. Cook, AIA

BRIAN T.H. COOK
REGISTERED ARCHITECT
11456
NORTH CAROLINA
ASHEVILLE, N.C.
12/6/16

Owner _____ 12-14-2016
David Melton

298

RESOLUTION NO. 17-3

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH T&K UTILITIES INC FOR THE VAULT AND METER RENEWALS PHASE II PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Vault and Meter Renewals Phase II Project; and

WHEREAS, T&K Utilities, Inc. was the lowest responsible, responsive bidder for the Project, in the amount of $487,350, with Cavanaugh and Associates, P.A., contract award recommendation letter with bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the demolition and renewal of 10 large water customer connections, including vault and meter, with all related appurtenances and materials required in order to complete the work; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

WHEREAS, the monies are allocated in the Meter/Vault Repair project in the Water Resources Capital Improvement Projects fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Contract Award Recommendation Letter with Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.
2. The City Manager, on behalf of the City of Asheville, is hereby authorized to construction agreement with T&K Utilities, Inc. for the Vault and Meter Renewals Phase II Project for the bid amount of $487,350 plus a 10% contingency in the amount of $48,735 for a total project budget in the amount of $536,085 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 10th day of January, 2017..

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

CAVANAUGH
Stewardship Through Innovation

December 28, 2016

David Melton
City of Asheville
Water Resources Department
Asheville, North Carolina 28801

Re.: Vault and Meter Renewals (Bid No. 298-Vault&MeterRenew2016)
Letter of Recommendation

Dear David:

We have reviewed the bid, and based on the City's past experience with this Contractor and the fact that they are the lowest responsive bidder, we recommend that the City of Asheville award the contract to T&K Utilities, Incorporated.

Please note, there were no math errors in the bid.

Please do not hesitate to call if you have questions or need additional information.

Sincerely,

Larry Lewison, CPESC

Cavanaugh & Associates, P.A.

CAVANAUGH

Stewardship Through Innovation

BID TABULATION

City of Asheville Vault and Meter Renewals
Date: Dec. 21, 2016 Time: 2:00 PM
Location: Water Admin., Mezzanine Conf. Room

Bid Tabulation

Item	DESCRIPTION	QUANTITY	UNITS	Cooper Const. Company UNIT COST	Cooper Const. Company TOTAL	T&K Utilities, Inc. UNIT COST	T&K Utilities, Inc. TOTAL	Thomas Const. UNIT COST	Thomas Const. TOTAL
	Vault and Meter Renewals								
V1	Old Federal Building	1	LS	$42,650	$42,650	$46,000	$46,000	$50,000	$50,000
V2	Gerber Road Vault Demo	1	LS	$36,350	$36,350	$23,000	$23,000	$39,000	$39,000
V3	Southern Concrete	1	LS	$43,760	$43,760	$48,000	$48,000	$62,000	$62,000
V4	Grove Park Inn- Clubhouse	1	LS	$55,250	$55,250	$55,000	$55,000	$64,000	$64,000
V5	Courtside Condominiums	1	LS	$68,921	$68,921	$66,000	$66,000	$68,000	$68,000
V6	Haywood Park Hotel	1	LS	$38,800	$38,800	$47,000	$47,000	$47,000	$47,000
V7	Billy Graham Training Center	1	LS	$32,825	$32,825	$35,000	$35,000	$49,000	$49,000
V8	National Wiper Alliance	1	LS	$28,300	$28,300	$18,000	$18,000	$32,000	$32,000
V9	Milkco Inc.	1	LS	$45,475	$45,475	$55,000	$55,000	$43,000	$43,000
V10	Warren Wilson North	1	LS	$39,900	$39,900	$36,000	$36,000	$43,000	$43,000
	Unit Price Allowance Schedule								
1	Exploratory or Modified Excavation	500		$14.00	$7,000	$15.00	$7,500	$30.00	$15,000
2	Select Backfill	1000		$1.40	$1,400	$4.00	$4,000	$2.00	$2,000
3	Stone Backfill (3/4" washed stone)	1000		$1.50	$1,500	$4.00	$4,000	$3.00	$3,000
4	6" Schedule 40 PVC Pipe	100		$31.00	$3,100	$50.00	$5,000	$30.00	$3,000
5	Ductile Fittings (Reducers, Bends) 2"-6"	8		$390.00	$3,120	$300.00	$2,400	$330.00	$2,640
6	Ductile Fittings (Reducers, Bends) 8"-16"	5		$1,360.00	$6,800	$1,000.00	$5,000	$1,300.00	$6,500
7	Gate Valve (NRS or OS&Y) - 3"	5		$1,380.00	$6,900	$1,000.00	$5,000	$1,100.00	$5,500
8	Gate Valve (NRS or OS&Y) - 4"	5		$1,645.00	$8,225	$1,300.00	$6,500	$1,200.00	$6,000
9	Gate Valve (NRS or OS&Y) - 6"	5		$1,810.00	$9,050	$1,500.00	$7,500	$1,300.00	$6,500
10	3" Ductile Iron Pipe	30		$61.00	$1,830	$55.00	$1,650	$40.00	$1,200
11	4" Ductile Iron Pipe	40		$52.00	$2,080	$55.00	$2,200	$42.00	$1,680
12	6" Ductile Iron Pipe	40		$44.25	$1,770	$55.00	$2,200	$33.00	$1,320
13	2" Galvanized Iron Pipe	20		$52.75	$1,055	$50.00	$1,000	$35.00	$700
14	Flanged Spool Piece (various sizes)	20		$109.00	$2,180	$220.00	$4,400	$600.00	$12,000
	TOTAL BASE BID				*$432,231.00*		*$429,000*		*$497,000*
	TOTAL ALLOWANCES				*$56,010.00*		*$58,350*		*$67,040*
	TOTAL BASE BID + ALLOWANCES				*$488,241.00*		*$487,350.00*		*$564,040.00*

LOW BIDDER — *T&K Utilities, Inc.*

I, William J. Jernigan, P.E. do hereby certify that this bid tabulation is complete and accurate to the best of my knowledge and belief.

NORTH CAROLINA PROFESSIONAL SEAL 033174 ENGINEER WILLIAM J. JERNIGAN

December 22, 2016

RESOLUTION NO. 17-4---

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS UNDER THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM

WHEREAS, the City has authority pursuant to N.C.G.S. 160A-17.1 to apply for funds from the State; and

WHEREAS, the N.C. Governor's Highway Safety Program has invited the City of Asheville to submit a grant application in the full project amount of $402,331 with a required 75% local portion match of $200,493.75; and

WHEREAS, these funds will be used to partially fund salaries and benefits of Task Force Officers; and

WHEREAS, this will assist the Asheville Police Department in the investigation and reduction of impaired drivers;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, and if awarded, enter into an agreement for a 25% State / 75% Local matching grant with the Governor's Highway Safety Program to assist the Asheville Police Department with DWI enforcement and education.

Read, approved, and adopted this 10th day January, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-5

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

WHEREAS, the terms of Douglas Hattaway (Regular member), Pratik Bhakta (Alternate member), Mac Swicegood (Alternate member), and David Brown (Regular member), as members on the Board of Adjustment, expire on January 21, 2017; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Pratik Bhakta, 1 Acton Circle, Asheville, N.C., be and he is hereby appointed, as a Regular member to the Board of Adjustment, to serve an additional three year term, term to expire January 21, 2020, or until his successor has been appointed.

(2) Paul Wilczynski, 12 W. Summitt Avenue, Asheville, N.C., be and he is hereby appointed, as an Alternate member to the Board of Adjustment, to serve a three year term, term to expire January 21, 2020, or until his successor has been appointed.

(3) Misty Miller, 12 Buckingham Court, Asheville N.C., be and she is hereby appointed, as an Alternate member to the Board of Adjustment, to serve an additional three-year term, term to expire January 21, 2020, or until her successor has been appointed.

(4) Richard Carpenter, 600 Palisade Circle, Asheville, N.C., be and he is hereby appointed, as a Regular member to the Board of Adjustment, to serve a three year term, term to expire January 21, 2020, or until his successor has been appointed.

Read, approved and adopted this 10th day of January, 2017.

Magdalen Bowlson
CITY CLERK

Edwin G. Marcus
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-6

RESOLUTION APPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

WHEREAS, the term of Barbara Whitehorn, as a member of the Firemen's Relief Fund, expired on January 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Barbara Whitehorn, Post Office Box, 7148, Asheville, N.C., be and she is hereby reappointed, as a member of the Firemen's Relief Fund, to serve an additional two year term, term to expire January 1, 2019, or until her successor has been appointed.

Read, approved and adopted this 10th day of January, 2017.

Magdalen Bourneson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourneson
City Clerk

RESOLUTION NO. 17-7

RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

WHEREAS, the term of Esther Manheimer, as a member of the Metropolitan Sewerage District Board of Directors, expires on January 19, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Esther Manheimer, 11 N. Market Street, Asheville, N.C., be and she is hereby reappointed, as a member on the Metropolitan Sewerage District Board of Directors, to serve an additional three-year term, term to expire January 19, 2020, or until her successor has been appointed.

Read, approved and adopted this 10th day of January, 2017.

Magdalen Bullock
CITY CLERK

Esther E. Mn
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 17-8

RESOLUTION APPOINTING MEMBERS TO THE SOIL EROSION/STORMWATER REVIEW COMMITTEE

WHEREAS, the terms of Pete Hildebrand and Ter Mc Spinner, as members of the Soil Erosion/Stormwater Review Committee, expired on November 1, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Pete Hildebrand, 337 Chunn's Cove Road, Asheville, N.C., be and he is hereby appointed as a member to the Soil Erosion/Stormwater Review Committee, to serve an additional three-year term, term to expire November 1, 2019, or until his successor has been appointed.

Ms. Catherine Rosjford, 1110 Chicory Lane, Asheville, N.C., be and she is hereby appointed as a member to the Soil Erosion/Stormwater Review Committee, to serve a three-year term, term to expire November 1, 2019, or until her successor has been appointed.

Read, approved and adopted this 10th day of January, 2017.

Magdalen Burleson
CITY CLERK

E. Am G. Mahr
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

306

RESOLUTION NO. 17-9

RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, the terms of Mindy Fisher, Duncan McPherson and Sonia Marcus (representing expertise in field of energy management), as members of the Sustainable Advisory Committee on Energy & the Environment, expired on December 31, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Anne Keller, 26 Sandon Drive, Asheville, N.C., be and she is hereby appointed to the Sustainable Advisory Committee on Energy & the Environment, to serve a three year term, term to expire December 31, 2019, or until her successor has been appointed.

(2) Ms. Maggie Gulick, 103 Courtland Avenue, Asheville, N.C., be and she is hereby appointed to the Sustainable Advisory Committee on Energy & the Environment, to serve a three year term, term to expire December 31, 2019, or until her successor has been appointed.

(3) Ms. Sonia Marcus, 81 Westwood Place, Asheville, N.C., be and she is hereby reappointed to the Sustainable Advisory Committee on Energy & the Environment (representing expertise in field of energy management), to serve an additional three year term, term to expire December 31, 2019, or until her successor has been appointed.

Read, approved and adopted this 10th day of January, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 17-10

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TREE COMMISSION

WHEREAS, the terms of Debbie Emmons and Mike Kenton, as members on the Asheville Tree Commission, expired on December 31, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Ed Macie, 46 Sunrise Drive, Asheville, N.C., be and he is hereby appointed to the Asheville Tree Commission, to serve a three year term, term to expire December 31, 2019, or until his successor has been appointed.

(2) Mr. Shawn Swartz, 25 Daisy Hill Road, Asheville, N.C., be and he is hereby appointed to the Asheville Tree Commission, to serve a three year term, term to expire December 31, 2019, or until his successor has been appointed.

Read, approved and adopted this 10th day of January, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION 17 - 11

RESOLUTION APPOINTING THE TRANSIT COMMITTEE CHAIRPERSON, OR THE CHAIRPERSON'S DESIGNEE, TO SERVE AS THE URBAN TRANSIT REPRESENTATIVE AS A VOTING MEMBER ON THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION (MPO)

WHEREAS, the MAP 21 Transportation Bill, which was approved in 2013, requires MPOs with over 200,000 population to include transit representation on their governing boards; and

WHEREAS, Henderson County appointed the Urban Transit Representative for the CY 2015 and CY 2016 two-year cycle; and

WHEREAS, it is time for the City of Asheville to appoint the Urban Transit Representative for the CY 2017 and CY 2018 two-year cycle;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council appoints the Transit Committee Chairperson, or the Chairperson's designee, to serve as the Urban Transit Representative as a voting member on the French Broad River Metropolitan Planning Organization (MPO) Board for a two-year term beginning in January 2017 and ending in December 2018.

Read, approved and adopted this 24th day of January, 2017.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved at to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-12

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AN AUDIO FREQUENCY INDUCTION LOOP SYSTEM ("AFILS") TO BE INSTALLED IN THE CITY HALL COUNCIL CHAMBER FROM THE ASHEVILLE ROTARY CLUB

WHEREAS, pursuant to N.C.G S. 160A-240.1, a city may acquire, by gift, grant, devise, exchange, purchase, lease or any other lawful method, the fee or any lesser interest in real or personal property for use by the City or any department of the City; and

WHEREAS, the City of Asheville would greatly benefit by helping hard of hearing citizens to better hear and engage in Council Chamber discussions;

WHEREAS, the City of Asheville does not have an AFILS system in the City Hall Council Chamber; and

WHEREAS, the technology is internationally recognized and standardized to work with any make or model of tele-coil equipped hearing aid; and

WHEREAS, the installed loop system will not be visible or alter the City Hall Council Chamber;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept the donation and installation of an Audio Frequency Induction Loop System from the Asheville Rotary Club to be installed in the City Hall Council Chamber and to execute any documents necessary to effectuate this resolution.

Read, approved, and adopted this 24th day of January, 2016.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 17-13

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A QUIT CLAIM DEED FOR PROPERTY LOCATED AT 1103 BREVARD ROAD

WHEREAS, the City of Asheville, hereinafter the City, operated a water pump station on property located at 1103 Brevard Road, identified as PIN #9626-64-8826; and

WHEREAS, the City abandoned the water pump station in place in 2005; and

WHEREAS, the City holds no easement or formal title associated with the property at 1103 Brevard Road;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a quit claim deed for its interest or claims to real property located at 1103 Brevard Road (identified as PIN# #9626-64-8826) to Omkar Hotels Inc. or current owner. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this 24th day of January, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION 17 - 14

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT DUKE ENERGY CAROLINAS, LLC REIMBURSEMENT GRANT FUNDS FOR A PLUG-IN ELECTRIC VEHICLE CHARGING STATION IN THE RANKIN PARKING DECK

WHEREAS, the City of Asheville passed an 80% carbon reduction goal and in 2009 adopted the Sustainability Management Plan to meet that target, and the City is currently ahead of schedule in meeting that goal; and

WHEREAS, burning coal is the largest single source of carbon emissions in the Asheville area, releasing emissions annually equivalent to 500,000 cars; and

WHEREAS, Plug-in electric vehicles do not produce vehicle emissions while in all electric mode, and they are cleaner even when the emission from the generation of electricity is considered; and

WHEREAS, Plug-in electric vehicles help encourage sustainability through renewable fuels, grid reliability and power outage response; and

WHEREAS, more than 600 charging station have been installed in North Carolina; and

WHEREAS, the City of Ashville was approved by Duke Energy for installation of a single part plug in EV charging station in the Rankin Parking Deck; and

WHEREAS, the total cost for the project is $20,000 and the initial cost of the installation would be incurred by the City from the parking services enterprise fund; and

WHEREAS, once the project is completed, the City will be eligible for reimbursement from Duke Energy in the maximum amount of $10,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council authorizes the City Manager to enter into a Reimbursement Agreement with Duke Energy Carolinas, LLC and any other related documents, and to accept a payment of $10,000 that will be utilized to pay the installation of a plug-in electric vehicle charging station in the Rankin Parking Deck.

Read, approved and adopted this 24th day of January, 2017.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

312

RESOLUTION NO. 17-15

RESOLUTION ADOPTING THE 2017 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) City Council will hold a worksession to hear an update on the implementation of the bonds on Tuesday, February 7, 2017, at 2:30 p.m. in the First Floor North Conference Room of City Hall, Asheville, N.C.

(2) City Council will hold a joint worksession with the Buncombe County Board of Commissioners on Tuesday, February 7, 2017, at 4:00 p.m. at 200 College Street, Asheville, N.C.

(3) City Council will hold their annual retreat on Friday, February 17, 2017, beginning at 8:30 a.m. in Overlook Hall (300 Field Drive) at the UNC-Asheville Campus, Asheville, N.C.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 24th day of January 24, 2017.

Magdalen Bowman
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowman
City Clerk

RESOLUTION NO. 17-16

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH CIVIL DESIGN CONCEPTS, PA FOR THE PROJECT KNOWN AS VELODROME SAFETY AT CARRIER PARK

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, in 2013 the City awarded a contract to Civil Design concepts, PA for the engineering design services for the velodrome at Carrier Park through a qualified based selection process (RFQ); and

WHEREAS, as the project moves forward additional engineering services are required; and

WHEREAS, direct oversight and management by the engineer of record is encouraged, to provide continuity and compliance with engineering drawings, by the contractor; and

WHEREAS, this contract amendment aligns with the City Council 2036 Vision in the following ways: (1) It supports a smart city by maintaining and investing in the City's infrastructure; and (2) it supports a well-planned and livable community through the investment in parks and open-spaces; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract amendment with Civil Design Concepts, PA to increase the existing contract in the amount of $25,292.08 by $72,080.00 for a total project budget of $97,372.08 for the project known as Velodrome Safety; and further authorizing the City Manager to execute any change orders to said contract which may arise during execution of said project up to the project budget.

Read, approved and adopted this the 24th day of January, 2017.

Magdalen Bowlson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-17

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONSTRUCTION AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY RELATED TO CONSTRUCTION OF THE RADTIP

WHEREAS, pursuant to N.C.G.S. §160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in, and

WHEREAS, the City of Asheville is completing the final pre-construction steps necessary to construct the River Arts District Transportation Improvement Project (RADTIP); and

WHEREAS, one of the required pre-construction steps is to obtain construction authorization from the Norfolk Southern Railway Company (RAILWAY) for the portions of the project that are on or near RAILWAY facilities; and

WHEREAS, in order to obtain this authorization the RAILWAY requires a signed construction agreement; and

WHEREAS, the construction agreement includes a force account estimate in the amount of $828,951 for work to be performed by the RAILWAY; and

WHEREAS, by signing the agreement the City of Asheville agrees to reimburse the Railway for the actual costs incurred by the RAILWAY for work performed as outlined in the force account estimate; and

WHEREAS, the funds for RAILWAY reimbursements are budgeted in the construction budget for RADTIP in the City's Capital Improvements Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign a construction agreement with Norfolk Southern Railway Company related to construction of the RADTIP with an estimated cost of $828,951 and further authorized to execute any change orders to said agreement or documents which may arise up to the budgeted amount.

Read, approved and adopted this the 24th day of January, 2017.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 17-18

RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO SIGN AN AMENDMENT TO THE 2012 MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE

WHEREAS, on October 9, 2012, by Resolution No. 12-228, the City approved the Municipal Records Retention and Disposition Schedule issued September 10, 2012, by the N. C. Department of Cultural Resources, Division of Archives and History; and

WHEREAS, in an effort to promote good municipal records management, the N. C. Department of Cultural Resources, Division of Archives and History, has amended the 2012 Schedule; and

WHEREAS, this fourth amendment (dated October 1, 2015) is to Standard 6 (Emergency Services and Fire Department Records) and Standard 9 (Law Enforcement Records); and

WHEREAS, it is in the best interest of the City of Asheville to promote municipal records management as provided by the N. C. Department of Cultural Resources, Division of Archives and History;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor and City Manager of the City of Asheville be authorized to execute an amendment dated October 1, 2016, to the Municipal Records Retention and Disposition Schedule by and between the N. C. Department of Cultural Resources, Division of Archives and History, and the City of Asheville.

Read, approved and adopted this 24th day of January, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

316

RESOLUTION NO. 17-19

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, Ms. Leslie Klingner has resigned as a member of the Asheville-Buncombe Historic Resources Commission, thus leaving a vacancy until July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Ed Flowers, 65 Longview Road, Asheville, N.C., be and he is hereby appointed as a member to the Asheville-Buncombe Historic Resources Commission, to serve the unexpired term of Ms. Klingner, term to expire July 1, 2018, or until his successor has been appointed.

Read, approved and adopted this 24th day of January, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-20

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, the terms of Joe Ferikes and Cindy Weeks, both riverfront or business property owners, as members on the Asheville Area Riverfront Redevelopment Commission, expired on January 1, 2017; and

WHEREAS, the term of Carleton Collins, at-large member, expired on January 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Darren Green, 99 Riverside Drive, Asheville, N.C., be and he is hereby appointed to the Asheville Area Riverfront Redevelopment Commission (representing a riverfront property or business owner) to serve a three year term, term to expire January 1, 2020, or until his successor has been appointed.

(2) Ms. Cindy Weeks, 10 Gracious Lane, Asheville, N.C., be and she is hereby reappointed to the Riverfront Redevelopment Commission (representing a riverfront property or business owner) to serve an additional three year term, term to expire January 1, 2020, or until her successor has been appointed.

(3) Mr. Carleton Collins, 105 Cranford Road, Asheville, N.C., be and he is hereby appointed to the Riverfront Redevelopment Commission (at-large member), to serve a three year term, term to expire January 1, 2020, or until his successor has been appointed.

Read, approved and adopted this 24th day of January, 2017.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 17-21

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF ASHEVILLE, BELL ATLANTIC MOBILE OF ASHEVILLE, INC. (DBA VERIZON WIRELESS), AND NEW CINGULAR WIRELESS, LLC (DBA AT&T) FOR THE TOWER REPLACEMENT PROJECT AT 166 RESERVOIR ROAD.

WHEREAS, the City of Asheville owns a telecommunication tower located at 166 Reservoir Road, known as the Lower White Fawn Tower; and

WHEREAS, the City acknowledges that the existing tower is at end-of-life and a total replacement of the tower is recommended; and

WHEREAS, AT&T has agreed to enter into an MOU to provide capital costs to fund the replacement of the City-owned tower in exchange for rent abatement for AT&T's use on the tower; and

WHEREAS, Verizon has agreed to enter into an MOU to concerning their prospective use of the tower as a telecommunications tenant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute documents and to enter into a Memorandum of Understanding with Bell Atlantic Mobile of Asheville, Inc. (dba Verizon Wireless), and New Cingular Wireless, LLC (dba AT&T) for the tower replacement project at 166 Reservoir Road. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 17-22

RESOLUTION PROPOSING APPROVAL OF A LICENSE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC FOR ANTENNAS AND RELATED EQUIPMENT ON CITY-OWNED REAL PROPERTY AT 166 RESERVOIR ROAD, DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LICENSE AGREEMENT IF NO OTHER BIDS ARE RECEIVED

WHEREAS N. C. Gen. Stat. sec. 160A-269 provides for the sale of real property by negotiated offer, advertisement and upset bids; and

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into license agreements for terms longer than 10 years by following any of the procedures authorized for the sale of real property such as upset bids; and

WHEREAS, the City of Asheville is the owner of real property located at 166 Reservoir Road, formerly White Fawn Reservoir; and

WHEREAS, New Cingular Wireless PCS, LLC, a telecommunications company, has offered to enter into a license agreement in order to operate antennas and related equipment upon the property at 166 Reservoir; and

WHEREAS, per the proposed license agreement, AT&T will receive full rental abatement in consideration for their one-time capital contribution for the construction costs of the tower replacement, as set forth in the terms of the a license agreement wherein AT&T is granted a 15 year term of occupancy (structured as 3 - 5 year terms) and rental abatement is calculated at the current fair market value ($37,500 per year), plus a 3% escalation rate of each year; and

WHEREAS, the City Council of the City of Asheville proposes to accept/approve the license agreement and the aforementioned terms, subject to the upset bid process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Clerk is hereby directed to publish a notice of intent of the City of Asheville to license certain property at 166 Reservoir Road to New Cingular Wireless, LLC. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder of the initial lease fee of $37,500. If no qualified competing bids are received during the ten day upset bid period, then the City manager is hereby authorized to execute the aforementioned license agreement with New Cingular Wireless, LLC and any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

320

RESOLUTION NO. 17-23

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL AND POLICY (ONDCP)

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants: and

WHEREAS, the Executive Office of the President, Office of National Drug Control and Policy has awarded the City of Asheville the amount of $25,000 to act as the fiduciary for the Asheville High Intensity Drug Trafficking Area (HIDTA) ;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, accept and enter into an agreement with the Executive Office of the President, Office of National Drug Control and Policy in the amount of $25,000.

Read, approved, and adopted this 14th day of February, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17- 24

RESOLUTION PROPOSING APPROVAL A LICENSE AGREEMENT WITH BELL ATLANTIC MOBILE OF ASHEVILLE, INC. (DBA VERIZON WIRELESS) FOR ANTENNAS AND RELATED EQUIPMENT ON CITY-OWNED REAL PROPERTY AT 166 RESERVOIR ROAD, DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LICENSE AGREEMENT IF NO OTHER BIDS ARE RECEIVED

WHEREAS N. C. Gen. Stat. sec. 160A-269 provides for the sale of real property by negotiated offer, advertisement and upset bids; and

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into license agreements for terms longer than 10 years by following any of the procedures authorized for the sale of real property such as upset bids; and

WHEREAS, the City of Asheville is the owner of real property located at 166 Reservoir Road, formerly White Fawn Reservoir; and

WHEREAS, Bell Atlantic Mobile of Asheville, Inc., a telecommunications company, has offered to enter into a license agreement in order to operate antennas and related equipment upon the property at 166 Reservoir; and

WHEREAS, per the proposed license agreement, Bell Atlantic Mobile of Asheville, Inc. has agreed upon a 15 year term of occupancy (structured as 3 - 5 year terms) and rental rate at the current fair market value of $37,500 per year, plus a 3% escalation rate of each year; and

WHEREAS, the City Council of the City of Asheville proposes to accept/approve the license agreement and the aforementioned terms, subject to the upset bid process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Clerk is hereby directed to publish a notice of intent of the City of Asheville to license certain property at 166 Reservoir Road to Bell Atlantic Mobile of Asheville, Inc. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder for the initial lease fee of $37,500. If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby authorized to execute the aforementioned license agreement with Bell Atlantic Mobile of Asheville, Inc and any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bourleson
City Clerk

Ann E. Mar
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 17-25

RESOLUTION REAUTHORIZING THE AGREEMENT WITH ASHEVILLE CITY SCHOOLS FOUNDATION (ACS FOUNDATION) TO ADMINISTER THE CITY OF ASHEVILLE YOUTH LEADERSHIP ACADEMY (CAYLA) SCHOLARSHIP DISBURSEMENT PROCESS

WHEREAS, the City of Asheville Youth Leadership Academy (CAYLA) is an academy supported and maintained by the City of Asheville; and

WHEREAS, the mission of CAYLA is to increase the City's and community's professional workforce by exposing youth minorities and youths from low wealth households to the various public service careers available in the Asheville area; and

WHEREAS, the City first approved the CAYLA program on May 8, 2007 and agreed to support the creation of a scholarship program that will provide CAYLA graduates with a $2,000 scholarship award; and

WHEREAS, the City of Asheville desires to continue to partner with the Asheville City Schools Foundation to provide services to the City, in administering the CAYLA scholarship fund and disbursement process; and

WHEREAS; the City Council approves a Memorandum of Understanding between the City and the ACS Foundation to continue the CAYLA program for an additional 5 years, based upon satisfactory performance by the ACS Foundation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Memorandum of Agreement with the Asheville City Schools Foundation to administer the annual disbursement of CAYLA scholarships to colleges at which CAYLA graduates are enrolled following the successful completion of the CAYLA program.

Read, approved and adopted the 14th day of February, 2017.

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

RESOLUTION NO. 17- 26

RESOLUTION ADOPTING THE HOMELESS INITIAVE ADVISORY COMMITTEE FIVE-YEAR STRATEGIC PLAN ON HOMELESSNESS

WHEREAS, in January, 2005, the City Council of the City of Asheville adopted the original 10-Year Plan to End Homelessness in Asheville and Buncombe County; and

WHEREAS, the Homeless Initiative Advisory Committee was established to oversee its implementation; and

WHEREAS, the 2017 Homeless Initiative Advisory Committee Five-Year Strategic Plan builds on the lessons and successes of the original 10-Year Plan to End Homelessness and expands strategies to address all types of homelessness in Asheville and Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council of the City of Asheville adopt the Homeless Initiative Advisory Committee's Five-Year Strategic Plan on Homelessness.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-27

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON CITY OWNED PROPERTY AT RIVERSIDE CEMETERY TO SHARON BOWLIN FOR CONSTRUCTION OF A SEWER SERVICE LINE

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of the Riverside Cemetery property located near Westover Drive, identified as PIN# 963982632500000; and

WHEREAS, Sharon Bowlin has requested a Permanent Easement containing approximately 168 square feet over a portion of said property near Westover Street and has agreed to pay $1,395.00 as fair market consideration for said easement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located on the Riverside Cemetery near Westover Street to Sharon Bowlin. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-28

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ELECTRICAL EXAMINERS

WHEREAS, Mr. Gus Sims (licensed engineer) has resigned as a member on the Board of Electrical Examiners, thus leaving an unexpired term until July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Russell Thacher, 927 Country Club Road, Asheville, N.C., be and he is hereby appointed (as a licensed engineer) to serve a three-year term, term to expire July 1, 2018, or until his successor has been duly appointed.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 17- 29

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR 338 HILLIARD AVENUE (TRIBUTE COMPANIES)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville.; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the 338 Hilliard Avenue development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, at its meeting on February 14, 2017, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and Tribute Companies for the 338 Hilliard Avenue development; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The public hearing to consider a land use incentive grant for the 338 Hilliard Avenue development is hereby set on February 28, 2017, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:
CITY ATTORNEY

Magdalen Bullion

RESOLUTION NO. 17- 30

RESOLUTION TO APPROVE LOANS FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, two (2) qualified applications for Housing Trust Fund loans have been received; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposals from Swannanoa Bend, LLC and Asheville Area Habitat for Humanity, and has made its recommendation to Council to approve the loans;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. A loan of $350,000 at 2.00% annual interest-only with principal deferred for twenty (20) years to Swannanoa Bend, LLC for the development of seventy (70) multifamily rental units on Simpson Street; to be made immediately available for disbursement following loan closing. Seventy (70) units are to be restricted to families earning 60% or less of the Area Median Income including voucher accepted (50% AMI) and shall have a twenty (20) year affordability period.

2. A construction loan of $60,000 at 0% deferred principle construction loan with loan being due at the end of the three (3) year term, to Asheville Area Habitat for Humanity, for the development of six (6) homebuyer units on Tunnel Road; to be made immediately available for disbursement following loan closing. Three (3) units are to be restricted to households earning 60% or less of the Area Median Income and shall have an affordability period as long as the loan terms apply.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 17-31

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH TIMMONS GROUP FOR THE WATER RESOURCES ENTERPRISE ASSET MANAGEMENT PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, on July 1, 2016, the City issued a Request for Proposals for the Water Resources Enterprise Asset Management Project; and

WHEREAS, the project includes, but is not limited to, consultation, data conversion, customization, licensing, training, integrations, and software maintenance required for a new, department-wide Citiworks Server Asset Management System (work order system); and

WHEREAS, the proposals have been reviewed by the Water Resources Department with staff recommending approval of the proposal from Timmons Group;

WHEREAS, Timmons Group was selected for the Project for the proposal amount of $119,480; and

WHEREAS, the monies are allocated within the Water Resources Department's Water Operating Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute general services agreement with Timmons Group for the Water Resources Enterprise Asset Management Project for the proposal amount of $119,480 plus a 10% contingency of $11,948 for a project budget of $131,428 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 17-32

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH THOMAS CONSTRUCTION CO. INC., FOR THE NEP AREA 3 WATER DISTRIBUTION SYSTEMS PHASE I PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the NEP Area 3 Water Distribution Systems Phase I Project; and

WHEREAS, Thomas Construction Company, Inc., was the lowest responsible, responsive bidder for the Project, in the amount of $3,978,160 50, with CDM Smith's contract award recommendation letter with bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of approximately 24,500 Linear Feet of 6-inch Ductile Iron Pipe located in the Malvern Hills and Kenilworth Area neighborhoods with related appurtenances required in order to complete the work; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

WHEREAS, part of the funding is allocated within the Water Resources Department's Capital Improvement Projects funds and the remaining funds will be allocated from other capital projects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Contract Award Recommendation Letter with Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.
2. The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with Thomas Construction Co. Inc., for the NEP Area 3 Water Distribution Systems Phase I Project for the bid amount of $3,978,160.50 plus a 15% contingency in the amount of $596,724.50 for a total project budget in the amount of $4,574,885.00 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

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Exhibit A

CDM Smith

4600 Park Road, Suite 240
Charlotte, North Carolina 28209
tel: 704 342-4546

January 12, 2017

Mr. Jade Dundas
Director
City of Asheville Water Resources Department
161 South Charlotte Street
Asheville, North Carolina 28801

Subject: NEP Area 3 Water Distribution Systems – Phase 1
Bid No. 298-NEPArea3WLProjectPH1
Recommendation of Award

Dear Jade:

Bids were publicly opened and read aloud at the Asheville City Hall Building (70 Court Plaza, Mezzanine Floor, Asheville, NC) on January 10, 2017 at 2:00 p.m. for the NEP Area 3 Water Distribution Systems – Phase 1 project. Five bids were received from the following contractors: Buckeye Bridge, LLC, Cooper Construction Company, Inc., E.S. Wagner Co., LLC, T&K Utilities, and Thomas Construction Company, Inc.

CDM Smith has completed the certified bid price tabulation of the five bids received for this project, which is attached to this letter. No mathematical errors were identified in the bid submissions. Based on review of the submitted bid documents, Thomas Construction Company, Inc. is the lowest bidder with a total bid value of $3,978,160.50.

CDM Smith also reviewed the attachments required to be submitted with the bid. CDM Smith has found documents submitted by Thomas Construction Company, Inc. to be in compliance with the Contract requirements as a responsive and responsible bidder.

CDM Smith

Exhibit A

Pending review by City staff for Minority Business Program goal and/or good faith effort compliance, CDM Smith recommends award of the NEP Area 3 Water Distribution Systems – Phase 1 project to Thomas Construction Company, Inc. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

George A. Simon, Jr., P.E.
Project Manager
CDM Smith Inc.

Enclosure

EXHIBIT A
SCHEDULE OF PRICES

CITY OF ASHEVILLE
NEP AREA 3 WATER DISTRIBUTION SYSTEMS – PHASE 1

	DESCRIPTION OF ITEM	QUANTITY		Buckeye Bridge, LLC		E.S. Wagner Co., LLC		Cooper		T & K Utilities, Inc.		Thomas Construction Co.	
				UNIT PRICE IN FIGURES	TOTAL AMOUNT IN FIGURES	UNIT PRICE IN FIGURES	TOTAL AMOUNT IN FIGURES	UNIT PRICE IN FIGURES	TOTAL AMOUNT IN FIGURES	UNIT PRICE IN FIGURES	TOTAL AMOUNT IN FIGURES	UNIT PRICE IN FIGURES	TOTAL AMOUNT IN FIGURES
1	FURNISH AND INSTALL WATER MAIN PIPE												
A.	6 - INCH DUCTILE IRON WATER MAIN	23,450	LF	$60.90	$1,428,105.00	$58.60	$1,374,170.00	$44.30	$1,038,835.00	$44.00	$1,031,800.00	$37.00	$867,650.00
B.	8 - INCH DUCTILE IRON WATER MAIN	1,140	LF	$73.70	$84,018.00	$60.00	$68,400.00	$54.35	$61,959.00	$49.00	$55,860.00	$47.00	$53,580.00
C.	2 - INCH HDPE WATER MAIN	385	LF	$47.40	$18,249.00	$19.00	$7,315.00	$31.70	$12,204.50	$35.00	$13,475.00	$33.00	$12,705.00
2	FURNISH AND INSTALL GATE VALVES												
A.	6 - INCH GATE VALVE	42	EA	$851.00	$35,742.00	$850.00	$35,700.00	$890.00	$37,380.00	$900.00	$37,800.00	$650.00	$27,300.00
B.	8 - INCH GATE VALVE	5	EA	$1,355.00	$6,775.00	$1,400.00	$7,000.00	$1,345.00	$6,725.00	$1,400.00	$7,000.00	$1,250.00	$6,250.00
3	FURNISH AND INSTALL AIR RELEASE VALVES & APPURTENANCES	17	EA	$1,033.00	$17,561.00	$1,675.00	$28,475.00	$1,345.00	$22,865.00	$1,100.00	$18,700.00	$850.00	$14,450.00
4	FURNISH AND INSTALL NEW SERVICE CONNECTIONS AND METER BOXES (EXISTING METERS WILL BE REUSED)												
A.	5/8-INCH METER SERVICE CONNECTION, PIPING, AND NEW METER BOX	275	EA	$928.00	$255,200.00	$1,150.00	$316,250.00	$1,600.00	$440,000.00	$1,200.00	$330,000.00	$1,215.00	$334,125.00
B.	5/8-INCH METER SERVICE CONNECTION, PIPING, AND REUSE EXISTING METER BOX	76	EA	$838.00	$63,688.00	$1,150.00	$87,400.00	$1,625.00	$123,500.00	$1,200.00	$91,200.00	$1,100.00	$83,600.00
C.	3/4-INCH METER SERVICE CONNECTION, PIPING, AND METER BOX	1	EA	$1,017.00	$1,017.00	$1,650.00	$1,650.00	$2,520.00	$2,520.00	$1,550.00	$1,550.00	$1,100.00	$1,100.00
D.	1-INCH METER SERVICE CONNECTION, PIPING, AND METER BOX	1	EA	$2,217.00	$2,217.00	$2,950.00	$2,950.00	$3,675.00	$3,675.00	$2,500.00	$2,500.00	$1,300.00	$1,300.00
5	INSTALL NEW FIRE HYDRANT ASSEMBLY	52	EA	$3,986.00	$207,272.00	$4,550.00	$236,600.00	$4,675.00	$243,100.00	$4,100.00	$213,200.00	$4,300.00	$223,600.00
6	TIE-IN OF EXISTING WATER MAIN TO NEW WATER MAIN												
A.	2 - INCH WATER MAIN CONNNECTION	2	EA	$2,660.00	$5,320.00	$2,350.00	$4,700.00	$4,390.00	$8,780.00	$1,500.00	$3,000.00	$800.00	$1,600.00
B.	4- INCH WATER MAIN CONNNECTION	3	EA	$4,564.00	$13,692.00	$3,150.00	$9,450.00	$3,550.00	$10,650.00	$2,200.00	$6,600.00	$1,400.00	$4,200.00
C.	8- INCH WATER MAIN CONNNECTION	8	EA	$5,418.00	$43,344.00	$4,350.00	$34,800.00	$4,325.00	$34,600.00	$5,000.00	$40,000.00	$3,000.00	$24,000.00
D.	8- INCH WATER MAIN CONNNECTION	1	EA	$5,617.00	$5,617.00	$5,625.00	$5,625.00	$4,550.00	$4,550.00	$6,000.00	$6,000.00	$3,200.00	$3,200.00
E.	12- INCH WATER MAIN CONNNECTION	5	EA	$7,617.00	$38,085.00	$6,850.00	$34,250.00	$5,600.00	$28,000.00	$6,300.00	$31,500.00	$4,900.00	$24,500.00
F.	24- INCH WATER MAIN CONNNECTION	5	EA	$17,876.00	$89,380.00	$15,000.00	$75,000.00	$19,200.00	$96,000.00	$15,000.00	$75,000.00	$11,175.00	$55,875.00
7	DRIVEWAY ENTRANCE APRON REMOVAL AND REPLACEMENT												
A.	CONCRETE DRIVEWAYS	114	SY	$122.20	$13,930.80	$75.00	$8,550.00	$128.00	$14,592.00	$140.00	$15,960.00	$80.00	$9,120.00
B.	GRAVEL DRIVEWAYS	165	SY	$24.30	$4,009.50	$23.00	$3,795.00	$20.00	$3,300.00	$18.00	$2,970.00	$11.00	$1,815.00
C.	ASHPALT DRIVEWAYS	100	SY	$47.50	$4,750.00	$78.50	$7,850.00	$68.00	$6,800.00	$80.00	$8,000.00	$20.00	$2,000.00
8	TRENCH REPAIR	29,000	LF	$52.50	$1,522,500.00	$40.50	$1,174,500.00	$27.00	$783,000.00	$39.00	$1,131,000.00	$25.00	$725,000.00

EXHIBIT A
SCHEDULE OF PRICES

CITY OF ASHEVILLE
NEP AREA 3 WATER DISTRIBUTION SYSTEMS – PHASE 1

	DESCRIPTION OF ITEM	QUANTITY		Buckeye Bridge, LLC		E.S. Wagner Co., LLC		Cooper		T & K Utilities, Inc.		Thomas Construction Co.	
				UNIT PRICE IN FIGURES	TOTAL AMOUNT IN FIGURES	UNIT PRICE IN FIGURES	TOTAL AMOUNT IN FIGURES	UNIT PRICE IN FIGURES	TOTAL AMOUNT IN FIGURES	UNIT PRICE IN FIGURES	TOTAL AMOUNT IN FIGURES	UNIT PRICE IN FIGURES	TOTAL AMOUNT IN FIGURES
9	ASPHALT PAVEMENT REPLACEMENT												
A	MILL AND OVERLAY	17,767	SY	$18.10	$321,562.70	$14.50	$257,621.50	$14.50	$257,621.50	$15.00	$266,505.00	$14.50	$257,621.50
B	OVERLAY	60,463	SY	$16.60	$1,003,685.80	$12.00	$725,556.00	$10.00	$604,630.00	$12.00	$725,556.00	$13.00	$786,019.00
10	REMOVE AND REPLACE CONCRETE SIDEWALKS	600	SY	$137.70	$88,850.00	$57.00	$28,500.00	$85.00	$43,000.00	$80.00	$40,000.00	$55.00	$27,500.00
11	REMOVE AND REPLACE CURB AND GUTTER	2,500	LF	$48.90	$122,250.00	$35.00	$87,500.00	$24.00	$60,000.00	$25.00	$62,500.00	$28.00	$70,000.00
12	REPLACEMENT OF EXISTING NON FERROUS SEWER PIPE WITH DUCTILE IRON SEWER PIPE (PER MSD STANDARDS)												
A	REPLACE EXISTING 8" SEWER PIPE	1,200	LF	$83.60	$100,320.00	$83.50	$100,200.00	$65.00	$78,000.00	$80.00	$96,000.00	$40.00	$48,000.00
B	REPLACE EXISTING 6" SEWER PIRE	1,650	LF	$79.80	$131,670.00	$79.00	$130,350.00	$54.00	$89,100.00	$50.00	$82,500.00	$35.00	$57,750.00
C	REPLACE EXISTING 4" SEWER PIPE	100	LF	$83.00	$8,300.00	$71.00	$7,100.00	$78.00	$7,800.00	$40.00	$4,000.00	$40.00	$4,000.00
13	SELECT BACKFILL	100	CY	$35.30	$3,530.00	$46.50	$4,650.00	$22.50	$2,250.00	$80.00	$8,000.00	$30.00	$3,000.00
14	ASBESTOS ABATEMENT	50	LF	$331.00	$16,550.00	$100.00	$5,000.00	$55.00	$2,750.00	$70.00	$3,500.00	$160.00	$8,000.00
15	EXPLORATORY EXCAVATION	12	EA	$350.00	$4,200.00	$875.00	$10,500.00	$875.00	$10,500.00	$500.00	$6,000.00	$300.00	$3,600.00
16	ABANDON EXISTING WATER MAINS AND SERVICES (BY STREET)	30	EA	$1,008.00	$30,240.00	$976.00	$29,250.00	$640.00	$19,200.00	$1,500.00	$45,000.00	$690.00	$20,700.00
17	RESTORATION	1	LS	$31,469.00	$31,469.00	$75,000.00	$75,000.00	$62,000.00	$62,000.00	$20,000.00	$20,000.00	$95,000.00	$95,000.00
18	MOBILIZATION	1	LS	$117,058.00	$117,058.00	$102,500.00	$102,500.00	$48,400.00	$48,400.00	$92,000.00	$92,000.00	$78,000.00	$78,000.00
19	TRAFFIC CONTROL	1	LS	$169,595.00	$169,595.00	$40,000.00	$40,000.00	$45,000.00	$45,000.00	$34,000.00	$34,000.00	$42,000.00	$42,000.00
20	TOTAL BID (ITEMS 1-19)				$5,987,770.80		$5,128,167.50		$4,313,287.00		$4,608,876.00		$3,978,160.50

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NORTH CAROLINA PROFESSIONAL SEAL 033378 ENGINEER GEORGE A. SIMON, JR.

04/12/2017

Certified as Correct: _____
George A. Simon, Jr., P.E.

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RESOLUTION NO. 17-33

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH NHM CONSTRUCTORS, LLC FOR THE PROJECT KNOWN AS TUNNEL ROAD RETAINING WALL PROJECT, CITY OF ASHEVILLE PROJECT # ST-16-17-003

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as the Tunnel Road Retaining Wall Project, City Of Asheville Project # ST-16-17-003; and

WHEREAS, NHM Constructors, LLC of Asheville NC was the lowest responsible bidder for the project, and;

WHEREAS, NHM Constructors, LLC shall provide all labor, materials and equipment for the construction of a retaining wall and its appurtenances; and

WHEREAS, the amount of the agreement is $451,635.00 and the monies have been budgeted in the Capital Projects 2016-2017 Fiscal Year Budget; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute, on behalf of the City of Asheville, a contract in the amount of $451,635.00 with NHM Constructors, LLC for the project known as the Tunnel Road Retaining Wall Project, City Of Asheville Project # ST-16-17-003, and further authorized to execute any change orders to said contract which may arise during construction, up to a total amount of $497,000.00.

Read, approved and adopted this the 14th day of February, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 17- 34

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE SOCON JAMFEST ON THE DATE OF SUNDAY, MARCH 5, 2017 FROM 2:00 PM – 5:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the SoCon JamFest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the SoCon JamFest event area, as set forth in Exhibit A, attached.

   The SoCon JamFest event area is within the boundaries of Page Avenue between the intersections of Haywood Street and unnamed alley.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the SoCon JamFest on Sunday, March 5, 2017 from 2:00 p.m. – 5:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the SoCon JamFest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the SoCon JamFest event area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of SoCon JamFest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bamberson
CITY CLERK

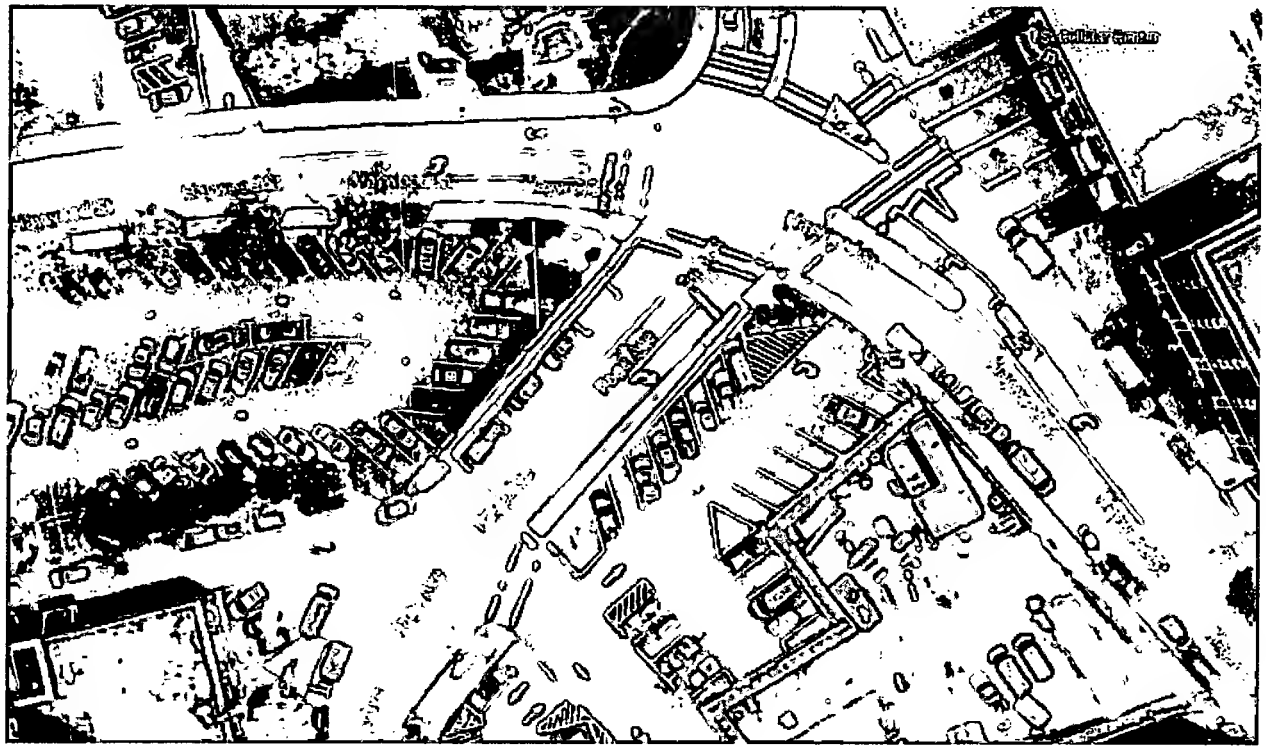
MAYOR

Approved as to form.

CITY ATTORNEY

Magdalen Bamberson
City Clerk

EXHIBIT A



338

RESOLUTION NO. 17- 35

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE HALF MARATHON & 10K ON THE DATE OF SATURDAY, JUNE 3, 2017 FROM 7:00 AM – 12:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Half Marathon & 10K.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Half Marathon & 10K event area, as set forth in Exhibit A, attached.

   The Asheville Half Marathon & 10K event area is within the boundaries of Pack Square Park's Roger McGuire Green, extending through the Court Plaza Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Half Marathon & 10K on Saturday, June 3, 2016 from 7:00 a.m. – 12:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Half Marathon & 10K event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Half Marathon & 10K event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville Half Marathon & 10K, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bowlson
CITY CLERK

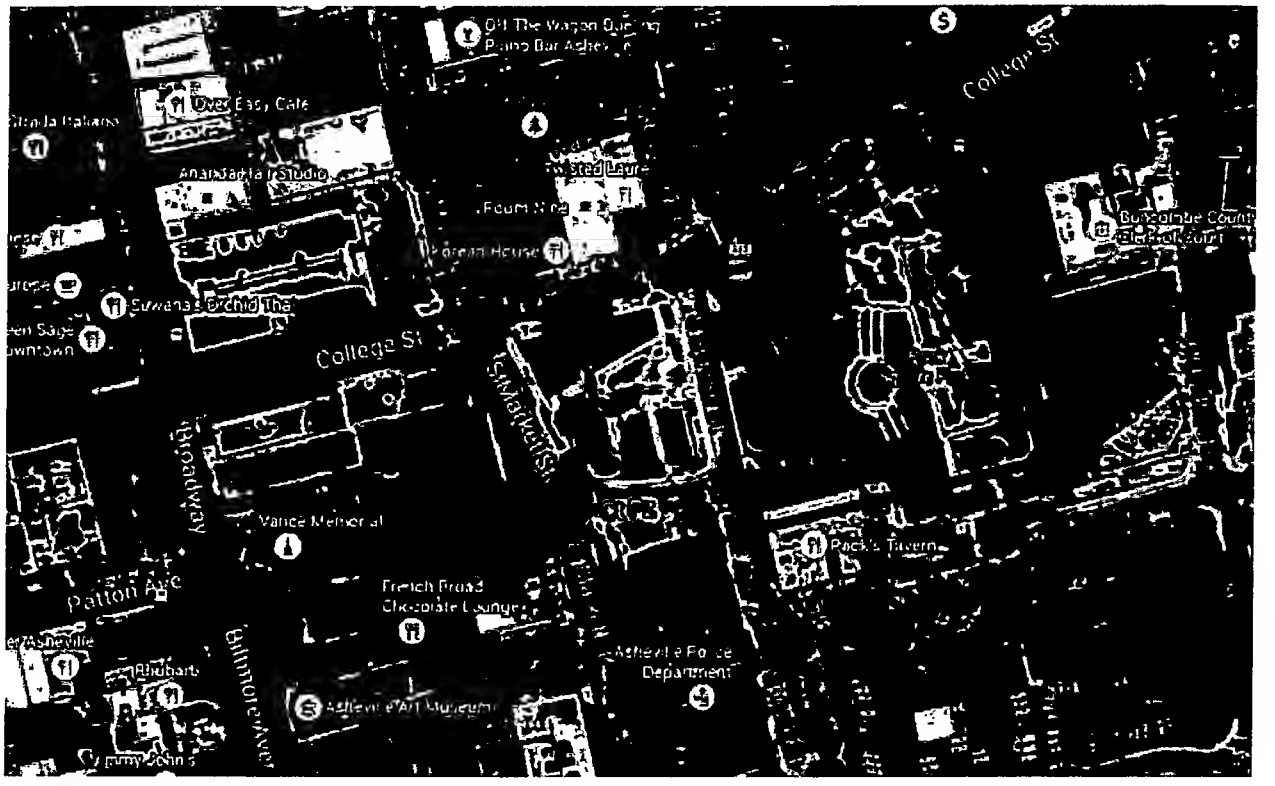
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

EXHIBIT A


College St
Vance Memorial
Patton Ave
French Broad Chocolate Lounge
Rhubarb
Jimmy John's
Asheville Police Department
Rocky's Tavern
Over Easy Cafe
Anastasia's Studio
Cream House
Buncombe County
College St
Biltmore Ave

RESOLUTION NO. 17- 36

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT XPAND FEST ON THE DATE OF SATURDAY, JUNE 10, 2017 FROM 11:00 AM – 9:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Xpand Fest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Xpand Fest event area, as set forth in Exhibit A, attached.

   The Xpand Fest event area is within the boundaries of Banks Avenue between the intersections of Coxe Avenue and Church Street, and within the boundaries of Buxton Avenue between the intersections of Coxe Avenue and Millard Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Xpand Fest on Saturday, June 10, 2017 from 11:00 a.m. – 9:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Xpand Fest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Xpand Fest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Xpand Fest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bouleson
CITY CLERK

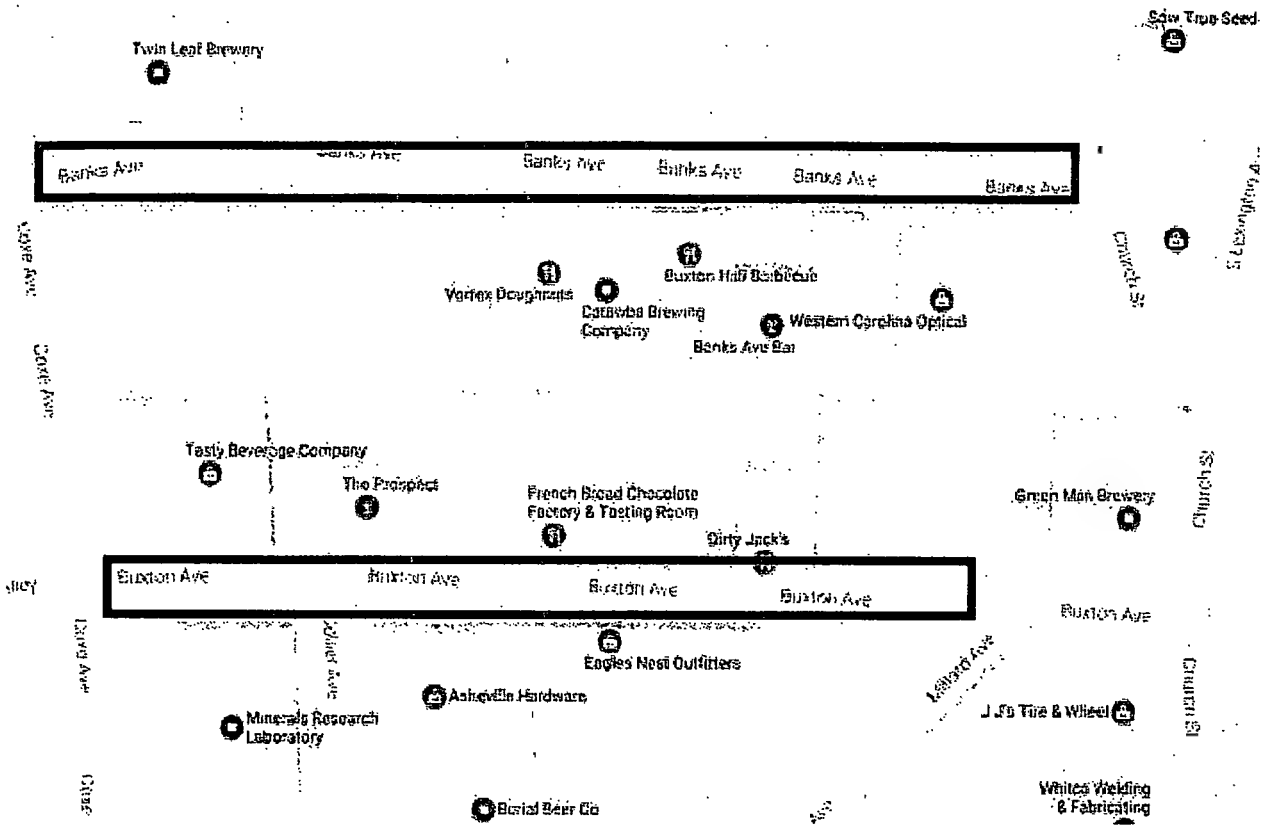
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

EXHIBIT A


Saw Tree Seed
Twin Leaf Brewery
Banks Ave
Banks Ave
Banks Ave
Banks Ave
Banks Ave
Buxton Hall Barbecue
Vortex Doughnuts
Catawba Brewing Company
Western Carolina Optical
Banks Ave Bar
Tasty Beverage Company
The Prospect
French Broad Chocolate Factory & Tasting Room
Green Man Brewery
Dirty Jack's
Buxton Ave
Buxton Ave
Buxton Ave
Buxton Ave
Eagles Nest Outfitters
Asheville Hardware
Mineral's Research Laboratory
J Jo Tire & Wheel
Whites Welding & Fabricating
Burial Beer Co

RESOLUTION NO. 17- 37

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGANFEST ON THE DATE OF SUNDAY, JUNE 11, 2017 FROM 12:00 PM – 5:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville VeganFest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville VeganFest event area, as set forth in Exhibit A, attached.

   The Asheville VeganFest event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville VeganFest on Sunday, June 11, 2017 from 12:00 p.m. – 5:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville VeganFest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville VeganFest event

area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville VeganFest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bowlson
CITY CLERK

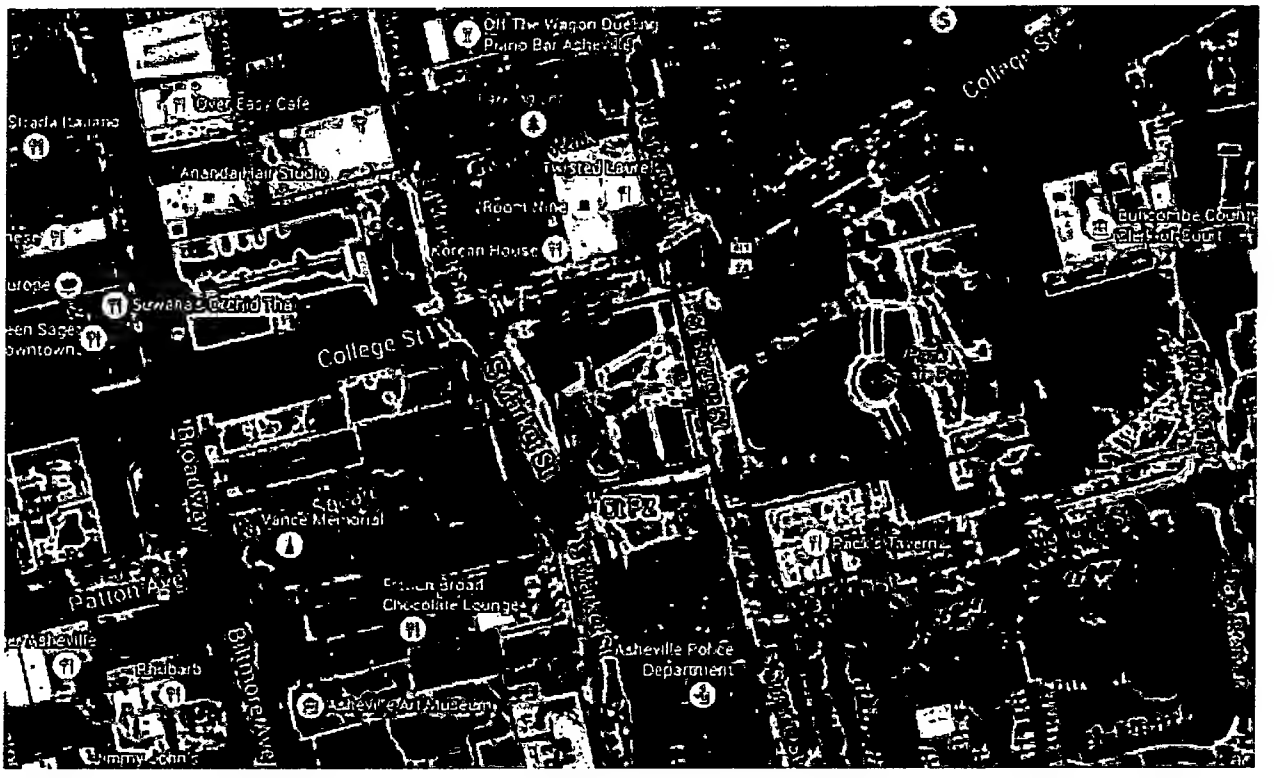
Esther A. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

EXHIBIT A


Off The Wagon Dueling Piano Bar Asheville
Over Easy Cafe
Amendarian Studio
Twisted Laurel
Korean House
College St
Vance Memorial
Patton Ave
Asheville
Phil Mar
Asheville Art Museum
Asheville Police Department
Broadway
Biltmore Ave
Buncombe County Clerk of Court
Packs Tavern

RESOLUTION NO. 17- 38

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BETTER DADS FESTIVAL ON THE DATE OF SATURDAY, JUNE 17, 2017 FROM 12:00 PM – 9:30 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Better Dads Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Better Dads Festival event area, as set forth in Exhibit A, attached.

   The Better Dads Festival event area is within the boundaries of Pack Square Park's Roger McGuire Green, extending through the Court Plaza Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed the Better Dads Festival on Saturday, June 17, 2017 from 12:00 p.m. – 9:30 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Better Dads Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Better Dads Festival event area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Better Dads Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bourbeau
CITY CLERK

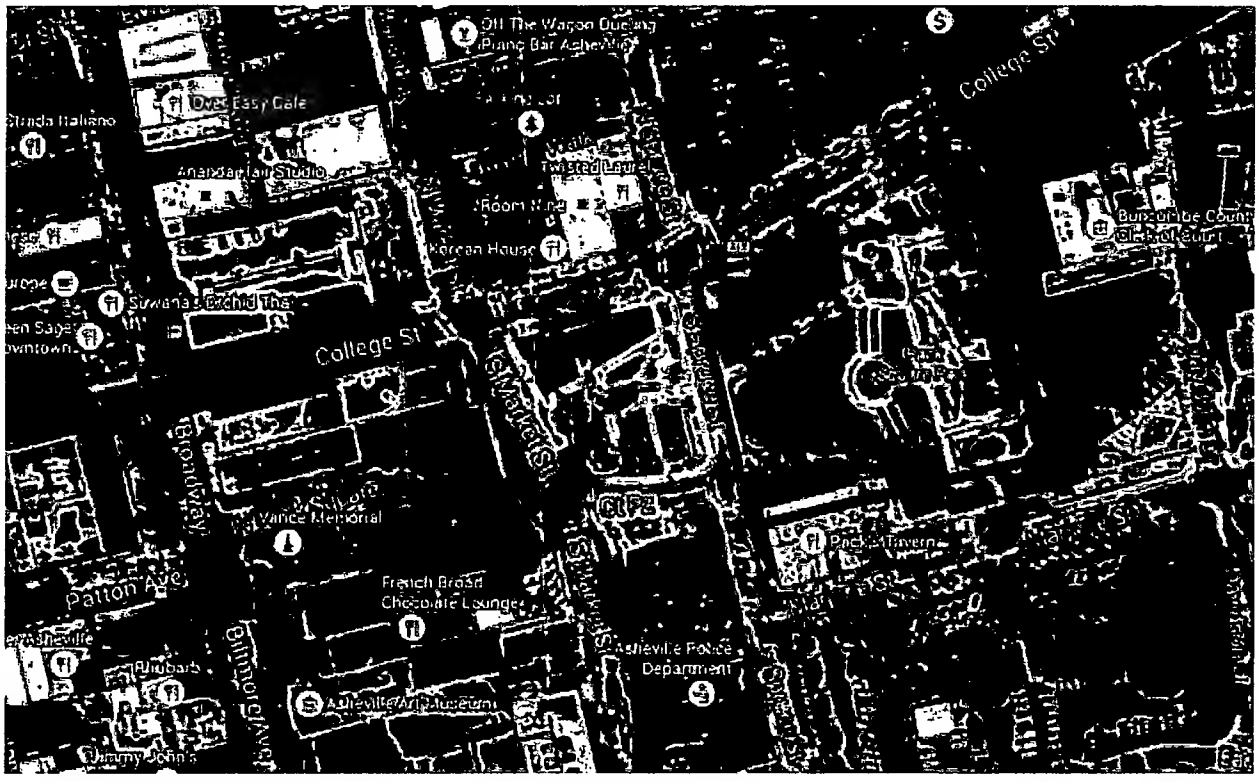
Easton E. Mork
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourbeau
City Clerk

EXHIBIT A


Off The Wagon Dueling Piano Bar Asheville
Over Easy Cafe
Anam Cara Studio
Twisted Laurel
Room Nine
Korean House
College St
Vance Memorial
Patton Ave
French Broad Chocolate Lounges
Asheville Police Department
Pack's Tavern
Rhubarb
Jimmy John's
Broadway
Market St
Buncombe County Clerk of Court

350

RESOLUTION NO. 17- 39

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNNAMED ALLEY BETWEEN 7 AND 19 AUSTIN AVENUE

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unnamed alley between 7 and 19 Austin Avenue; and

WHEREAS, said rights-of-way are not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unnamed alley between 7 and 19 Austin Avenue; described as follows:

   Description for Proposed Partial Closure Between #7 and #19 Austin Avenue

   THE NORTH ONE-HALF OF THE 20 FOOT WIDE ALLEY LYING IN BLOCK 3, OF "WOOLSEY INVESTMENT CO." AS RECORDED IN PLAT BOOK 8, PAGE 51 OF THE PUBLIC RECORDS OF BUNCOMBE COUNTY, NORTH CAROLINA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

   BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 OF SAID PLAT; THENCE S83°48'17"E ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 160.04 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3, BEING A POINT IN THE WEST LINE OF THAT PROPERTY DESCRIBED IN DEED BOOK 5002, PAGE 659, OF SAID PUBLIC RECORDS; THENCE WITH SAID WEST LINE, S6°18'43"W, A DISTANCE OF 10.00 FEET TO THE CENTERLINE OF SAID ALLEY; THENCE N83°48'17'W ALONG SAID CENTERLINE, A DISTANCE OF 160.04 FEET TO A POINT IN THE EAST LINE OF THE RIGHT-OF-WAY FOR AUSTIN AVENUE; THENCE N6°18'43"E ALONG SAID LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

2. A public hearing on the question of permanently closing an unnamed alley between 7 and 19 Austin Avenue is hereby called for on March 14, 2017, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on a March 14, 2017.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned portion of Austin Avenue. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Pawlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Pawlson
City Clerk

352

RESOLUTION NO. 17-40

RESOLUTION AUTHORIZING THE EXCHANGE OF AN EASEMENT WITHIN CITY-OWNED RIGHT OF WAY AT SOUTHSIDE AVENUE AND SHORT COXE AVENUE FOR A PORTION OF PRIVATELY OWNED REAL PROPERTY AT SHORT COXE AVENUE AND WILBAR AVENUE FOR USE AS ADDITIONAL PUBLIC RIGHT OF WAY

WHEREAS, the City of Asheville owns right of way located along Southside Avenue and Short Coxe Avenue, and

WHEREAS, PT Development of Asheville, LLC has requested a subsurface easement measuring 431 square feet within the aforementioned right-of-way at Southside Avenue and Short Coxe Avenue, further described as 431 square feet to accommodate placement of building footers; and

WHEREAS, the City's Public Works Director has determined that the granting of the requested easement in the public right of way will not substantially impair or hinder the street as a passageway in compliance with NCGS 160A-273; and

WHEREAS, PT Development of Asheville, LLC owns real property located at the intersection of Wilbar Avenue and Short Coxe Avenue, PIN # 9648-37-8168, and the City desires an additional 10' right of way which comprises a portion of said property which measures approximately 1,324 square feet; and

WHEREAS, the City of Asheville and PT Development of Asheville, LLC wish to make an even exchange of the two described properties; and

WHEREAS, NCGS 160A-271, authorizes cities in North Carolina to make such an exchange if authorized by the City Council by a resolution adopted at a regular meeting of the council upon 10 days' public notice; and

WHEREAS, the City has given the required public notice, and the City Council is convened in a regular meeting;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1) The exchange of properties described above is authorized.
2) The City Manager is hereby authorized to execute a land exchange agreement and any and all documents necessary to give effect to this resolution and in order to convey to PT Development of Asheville, LLC, an easement in the right-of-way located on Southside Avenue and Short Coxe Avenue being 431 square feet in exchange for a portion of real property owned by PT Development of Asheville, LLC further described as being approximately 1,324 square feet identified as a portion of PIN 9648-37-8168 for additional public right of way.

Read and approved and adopted this 14th day of February, 2017.

Magdalen Bowlesson
CITY CLERK

Esther C. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson

RESOLUTION NO. 17- 41

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AGREEMENT WITH PINNACLE LANDSCAPES, LLC FOR THE CONSTRUCTION OF PRITCHARD PARK IMPROVEMENTS

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, The City has determined that improvements to enhance the security, landscape, use and appearance of Pritchard Park in this frequently used downtown park are necessary.

WHEREAS, the City has identified the need for improvements and has planned to complete the project under the general capital improvement fund for Parks and Recreation Department; and

WHEREAS, the Pritchard Park Improvements demonstrates the City's commitment to maintain and improve the City's infrastructure as identified in the 2036 Council Vision; and

WHEREAS, improvements such as those proposed for Pritchard Park are identified as needed actions in the Parks, Recreation Cultural Arts, and Greenway Master Plan; and

WHEREAS, Pinnacle Landscapes, LLC was selected as the lowest, responsible bidder as part of an Advertisement for Bids process pursuant to N.C.G.S. 143-129;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Pinnacle Landscapes, LLC to improve the Pritchard Park Improvements for an amount of $194,349.00 plus a contingency of $38,000.00, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project within the approved budget.

Read, approved and adopted this the 14th day of February, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

City Clerk

RESOLUTION NO. 17-42

RESOLUTION AUTHORIZING AN AMENDMENT TO THE EXISTING LEASE AGREEMENT BETWEEN EAST ASHEVILLE YOUTH ACTIVITIES BOOSTER CLUB, INC., AND THE CITY OF ASHEVILLE FOR CHARLIE BULLMAN PARK ON 719 NEW HAW CREEK ROAD IN ASHEVILLE

WHEREAS, N. C. Gen. Stat. sec. 160A-19 and N. C. Gen. Stat. sec. 160A-240.1 authorize the City to acquire leases of real property for use by any department of the City; and

WHEREAS, East Asheville Youth Activities Booster Club Inc.is the owner of real property located at 719 New Haw Creek Road, identified as PIN # 9659-92-4876-00000; and

WHEREAS, the City of Asheville would like to extend the existing lease for an additional five year term; and

WHEREAS, the rental beginning September 1, 2016 for the leased premises will be $1.00 per year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an amendment to the existing Lease Agreement between East Asheville Youth Activities Booster Club, Inc. and the City of Asheville for Charlie Bullman Park at 719 New Haw Creek Road at PIN 9659-92-4876-00000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 28th day of February, 2017.

Magdalen Bullman
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullman
City Clerk

RESOLUTION NO. 17-43

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH COOPER CONSTRUCTION CO. INC., FOR THE NEP AREA 1 WATER DISTRIBUTION SYSTEMS PHASE I PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the NEP Area 1 Water Distribution Systems Phase I Project; and

WHEREAS, Cooper Construction Company, Inc., was the lowest responsible, responsive bidder for the Project, in the amount of $1,244,068.00, with McGill Associates' contract award recommendation letter with bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of approximately 11,650 Linear Feet of 8-inch and 6-inch Ductile Iron Pipe and related appurtenances located in the Bingham Road, Lindsey Road and Starnes Cove Areas of the City of Asheville Water Distribution System; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

WHEREAS, the monies are currently allocated within the Water Resources Capital Improvements Project (CIP) Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Contract Award Recommendation Letter with Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.
2. The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with Cooper Construction Company, Inc., for the NEP Area 1 Water Distribution Systems Phase I Project for the bid amount of $1,244,068.00 plus a 10% contingency in the amount of $124,406.00 for a total project budget in the amount of $1,368,474.00 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 28th day of February 2017.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

McGill ASSOCIATES

February 1, 2017

Mr. Chad Pierce, PE
Engineering Services Manager
COA Water Resources Department
Post Office Box 7148
Asheville, North Carolina 28802

RE: Certified Bid Tabulation and
Recommendation of Award
Lindsey, Starnes Cove, & Bingham Areas
NEP 1 – Phase 1 Water Line Replacements
Buncombe County, North Carolina

Dear Mr. Pierce:

On January 31, 2017, public bids were opened and read aloud in the Asheville City Hall for the above referenced project. Three (3) bids were received. Attached is a certified bid tabulation containing the details of the bids received. The lowest bid was submitted by Cooper Construction Company, Inc., for the bid price of $1,244,068.00. According to the North Carolina Licensing Board for General Contractors website, Cooper Construction Company, Inc., holds a valid contracting license for Unlimited / Unclassified Construction (#4763), and, therefore, appears to be properly licensed to perform the work included in this project. A certified bid tabulation of the prices submitted by the three bidders is attached. Please print on 11x17 paper for best legibility.

The bid amount submitted by Cooper Construction Company, Inc., is within the construction budget prepared by McGill Associates. Therefore, we find the bid amount to be reasonable for the work included on this project. We recommend that the City include a minimum contingency amount of 10% of the bid price in the project budget to utilize for unforeseen cost overruns and any soil compaction testing deemed necessary.

Cooper Construction Company, Inc., has completed similar municipal utility projects in the past, including for the City of Asheville, and, therefore, appears to have the capabilities to complete this project. We recommend that the City award the project to Cooper Construction Company, Inc., at their bid price of $1,244,068.00, conditional on receipt of a copy of their 2017 contracting license renewal effective prior to the bid date.

55 Broad Street
Asheville, North Carolina 28801

P.O. Box 2259
Asheville, North Carolina 28802

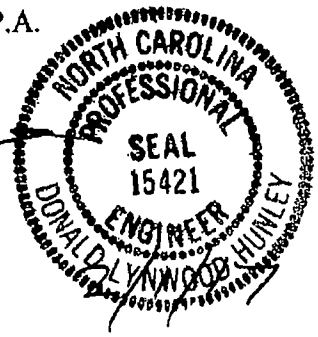
ph: 828.252.0575
f: 828.252.2518

www.mcgillengineers.com

RL Haynes, Jacob Gray, and I and the entire McGill organization look forward to teaming with the City for the construction phase of this project. If you have any questions regarding this phase of the NEP 1 Water Line Replacement Project or the upcoming Phase 2, please do not hesitate to contact me.

Sincerely,
McGILL ASSOCIATES, P.A.

DON HUNLEY, PE
Senior Project Manager



Enclosure

P:2015/15.00389/letters/cp1feb17-rec of award.doc

CERTIFIED BID TABULATION
SCHEDULE OF PRICES
NEP 1 - PHASE 1
CITY OF ASHEVILLE

ITEM NO.	DESCRIPTION OF ITEM	QUANTITY	UNIT	Cooper Construction Company 761 South Allen Road Flat Rock, NC 28731		Thunder Contracting, Inc. 18001 Great Smoky Mountain Exp. Waynesville, NC 28768		Buckeye Bridge, LLC POB 1367 Canton, NC 28716	
				UNIT PRICE IN FIGURES	TOTAL AMOUNT IN FIGURES	UNIT PRICE IN FIGURES	TOTAL AMOUNT IN FIGURES	UNIT PRICE IN FIGURES	TOTAL AMOUNT IN FIGURES
1.	FURNISH AND INSTALL WATER MAIN PIPE								
A.	6-INCH DUCTILE IRON WATER MAIN	950	LF	$40.30	$38,285.00	$50.00	$47,500.00	$54.40	$51,680.00
B.	6-INCH DUCTILE IRON WATER MAIN	9,000	LF	$26.35	$237,150.00	$48.00	$414,000.00	$46.50	$418,500.00
C.	6-INCH RESTRAINED JOINT DUCTILE IRON WATER MAIN	500	LF	$29.40	$14,700.00	$41.20	$20,600.00	$50.50	$25,250.00
D.	2-INCH HDPE WATER MAIN	1,600	LF	$14.90	$23,840.00	$38.00	$60,800.00	$41.60	$66,560.00
2.	FURNISH AND INSTALL VALVES								
A.	8-INCH GATE VALVE	7	EA	$1,305.00	$9,135.00	$1,600.00	$11,200.00	$1,313.00	$9,191.00
B.	6-INCH GATE VALVE	20	EA	$874.00	$17,480.00	$1,400.00	$28,000.00	$890.00	$17,800.00
C.	2-INCH BALL VALVE	6	EA	$656.00	$3,936.00	$470.00	$2,820.00	$804.00	$4,824.00
D.	INDIVIDUAL PRESSURE REDUCING VALVE	6	EA	$365.00	$2,190.00	$365.00	$2,190.00	$99.00	$594.00
3.	FURNISH AND INSTALL AIR RELEASE VALVES AND APPURTENANCES	5	EA	$1,045.00	$5,225.00	$1,500.00	$7,500.00	$1,341.00	$6,705.00
4.	FURNISH AND INSTALL NEW SERVICE CONNECTIONS AND METER BOXES (EXISTING METERS WILL BE REUSED)								
A.	1-INCH WATER SERVICE CONNECTION, PIPING, AND METER BOXES	12	EA	$2,288.00	$27,456.00	$1,250.00	$15,000.00	$2,310.00	$27,720.00
B.	3/4-INCH WATER SERVICE CONNECTION, PIPING, AND METER BOX	120	EA	$1,134.00	$136,080.00	$875.00	$105,000.00	$1,006.00	$120,720.00
C.	3/4- INCH WATER SERVICE CONNECTION, PIPING, AND REUSE EXISTING METER BOX	6	EA	$1,040.00	$6,240.00	$860.00	$5,160.00	$886.00	$5,316.00
D.	3/4-INCH PRIVATE PEX WATER SERVICE LINE	750	LF	$10.80	$8,100.00	$6.00	$4,500.00	$12.00	$9,000.00
E.	1-INCH PRIVATE PEX WATER SERVICE LINE	640	LF	$10.80	$6,912.00	$6.00	$3,840.00	$12.00	$7,680.00
5.	FURNISH AND INSTALL NEW FIRE HYDRANT	25	EA	$4,000.00	$100,000.00	$4,250.00	$106,250.00	$3,731.00	$93,275.00
6.	TIE-INS OF EXISTING WATER MAIN TO NEW WATER MAIN								
A.	2-INCH WATER MAIN CONNECTION	3	EA	$2,055.00	$6,165.00	$1,750.00	$5,250.00	$2,700.00	$8,100.00
B.	6-INCH WATER MAIN CONNECTION	2	EA	$2,846.00	$5,692.00	$3,450.00	$6,900.00	$4,039.00	$8,080.00
C.	8-INCH WATER MAIN CONNECTION	2	EA	$3,334.00	$6,668.00	$3,500.00	$7,000.00	$4,328.00	$8,656.00
D.	12-INCH WATER MAIN CONNECTION	1	EA	$3,880.00	$3,880.00	$6,500.00	$6,500.00	$4,501.00	$4,501.00
E.	16-INCH X 2-INCH TAPPING SADDLE AND VALVE	1	EA	$1,200.00	$1,200.00	$7,000.00	$7,000.00	$1,161.00	$1,161.00
F.	6-INCH X 6-INCH TAPPING SLEEVE AND VALVE	4	EA	$3,927.00	$15,708.00	$7,300.00	$29,200.00	$4,828.00	$19,312.00
7.	DRIVEWAY ENTRANCE REMOVAL AND REPLACEMENT								
A.	ASHPHALT DRIVEWAYS	190	LF	$30.00	$5,700.00	$55.00	$10,450.00	$29.10	$5,529.00
B.	GRAVEL DRIVEWAYS	500	LF	$8.00	$4,000.00	$35.00	$17,500.00	$8.60	$4,300.00
C.	CONCRETE DRIVEWAYS	200	SY	$84.00	$16,800.00	$60.00	$12,000.00	$117.00	$23,400.00
D.	DRIVEWAY CULVERY REPALCEMENT	350	LF	$46.00	$16,100.00	$44.00	$15,400.00	$37.20	$13,020.00
8.	TRENCH REPAIR								
A.	NCDOT ASPHALT TRENCH REPAIR	2,100	LF	$56.10	$117,810.00	$51.50	$108,150.00	$88.30	$185,430.00
B.	NON-DOT ASPHALT TRENCH REPAIR	2,150	LF	$36.50	$78,475.00	$43.50	$93,525.00	$79.70	$171,355.00
C.	GRAVEL ROAD TRENCH REPAIR	1,300	LF	$17.00	$22,100.00	$12.00	$15,600.00	$13.60	$17,680.00
9.	ASPHALT PAVEMENT REPLACEMENT								
A.	2" OVERLAY	4,000	SY	$11.40	$45,600.00	$13.61	$54,440.00	$14.00	$56,000.00
B.	MILING	50	SY	$50.00	$2,500.00	$15.00	$750.00	$89.00	$4,450.00
C.	3" OVERLAY	6,000	SY	$17.10	$102,600.00	$20.33	$121,980.00	$20.40	$122,400.00
10.	MISCELLANEOUS STONE								
A.	WASHED STONE EMBEDMENT AND UNDERCUT AS DIRECTED	500	LF	$8.00	$4,000.00	$6.90	$3,450.00	$7.10	$3,550.00
B.	MISCELLANEOUS NON-CABC DRIVEWAY SURFACE GRAVEL	80	TN	$30.40	$2,432.00	$36.00	$2,880.00	$46.90	$3,752.00
11.	REMOVE AND REPLACE CONCRETE SIDEWALKS	24	SY	$125.00	$3,000.00	$67.00	$1,608.00	$82.00	$1,968.00
12.	MISCELLANEOUS CONCRETE	10	CY	$250.00	$2,500.00	$345.00	$3,450.00	$334.00	$3,340.00
13.	REMOVE AND REPLACE ASPHALT CURBING	150	LF	$16.20	$2,430.00	$11.50	$1,725.00	$12.70	$1,905.00
14.	REPLACEMENT OF EXISTING NON FERROUS SEWER PIPE WITH DUCTILE IRON SEWER PIPE (PER MSD STANDARDS)								
A.	REPLACE EXISTING 8" SEWER PIPE	60	LF	$90.55	$5,433.00	$73.00	$4,380.00	$112.20	$6,732.00
B.	REPLACE EXISTING 6" SEWER PIPE	60	LF	$77.25	$4,635.00	$68.00	$4,080.00	$78.30	$4,698.00
C.	REPLACE EXISTING 4" SEWER PIPE OR FORCE MAIN	30	LF	$86.00	$2,580.00	$60.00	$1,800.00	$78.10	$2,343.00
15.	SELECT BACKFILL	1,100	CY	$18.40	$20,240.00	$21.85	$24,035.00	$36.80	$40,480.00
16.	ASBESTOS ABATEMENT	50	LF	$100.00	$5,000.00	$57.50	$2,875.00	$191.00	$9,550.00
17.	EXCAVATION								
A.	EXPLORATORY EXCAVATION	2	EA	$728.00	$1,456.00	$1,000.00	$2,000.00	$336.00	$672.00
B.	ROCK EXCAVATION	250	CY	$1.00	$250.00	$32.00	$8,000.00	$98.00	$24,500.00
18.	ABANDON EXISTING WATER MAINS, VALVES, AND SERVICES	50	EA	$235.00	$11,750.00	$250.00	$12,500.00	$959.00	$47,950.00
19.	REMOVE ABANDONED FIRE HYDRANT	2	EA	$315.00	$630.00	$1,500.00	$3,000.00	$247.00	$494.00
20.	EROSION CONTROL	1	LS	$17,220.00	$17,220.00	$35,650.00	$35,650.00	$24,093.00	$24,093.00
21.	RESTORATION	1	LS	$26,875.00	$26,875.00	$25,000.00	$25,000.00	$14,576.00	$14,576.00
22.	TRAFFIC CONTROL	1	LS	$20,270.00	$20,270.00	$37,375.00	$37,375.00	$89,480.00	$89,480.00
23.	STREET PERMITS AND NCDOT BOND ($25,000.00)	1	LS	$4,440.00	$4,440.00	$10,000.00	$10,000.00	$9,936.00	$9,936.00
24.	MOBILIZATION	1	LS	$21,200.00	$21,200.00	$28,600.00	$28,600.00	$36,900.00	$36,900.00
25.	TOTAL BID (ITEM 1-24)				$1,244,068.00		$1,558,413.00		$1,845,088.00

McGill ASSOCIATES

This is to certify that the bids tabulated herein were publicly opened and read aloud at 2:00 pm on the 31st day of January, 2017, in the City Hall Building, City of Asheville, North Carolina and that said bids were accompanied by acceptable certified checks or bidder's bonds in the amount of 5% of the bid.

NORTH CAROLINA PROFESSIONAL SEAL 15421 ENGINEER DONALD LYNWOOD FINLEY

RESOLUTION NO. 17-44

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE CITY BOARD OF EDUCATION

WHEREAS, the terms of Peggy Dalman, Leah Ferguson and Matthew Buys, as members on the Asheville City Board of Education, expire on April 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Ms. Joyce Brown, 65 Ridgelawn Road, Asheville, N.C., be and she is hereby appointed as a member of the Asheville City Board of Education to serve a four-year term, term to begin April 1, 2017, and expire April 1, 2021, or until her successor has been appointed.

2. Ms. Patricia Griffin, 7 Williams Street, Asheville, N.C., be and she is hereby appointed as a member of the Asheville City Board of Education to serve a four-year term, term to begin April 1, 2017, and expire April 1, 2021, or until her successor has been appointed.

3. Mr. James Lee, 5 Vineyard Place, Asheville, N.C., be and he is hereby appointed as a member of the Asheville City Board of Education to serve a four-year term, term to begin April 1, 2017, and expire April 1, 2021, or until his successor has been appointed.

Read, approved and adopted this 28th day of February, 2017

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

360

RESOLUTION NO. 17-45

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENT AGREEMENTS WITH PRIVATE PROPERTY OWNERS WHO DONATE EASEMENTS TO THE CITY FOR THE PURPOSE OF THE CITY CONSTRUCTING NEW SIDEWALKS OR IMPROVING EXISTING PUBLIC SIDEWALKS

WHEREAS, the City of Asheville currently owns an extensive sidewalk network; and

WHEREAS, it is necessary for the City to periodically improve and maintain the City's sidewalks; and

WHEREAS, City adopted plans, such as the City's Pedestrian Plan, have identified sidewalk construction needs, included areas of needed sidewalk linkage, ADA compliance needs and maintenance/upgrade needs; and

WHEREAS, authorizing the City Manager to execute easement agreements with private property owners who donate easements to the City for the City to construct new sidewalks or improve existing sidewalks allows for a more expedient acceptance of such easements; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute easement agreements with private property owners who donate easements to the City for the purpose of the City constructing new sidewalks or improving existing public sidewalks.

Read, approved and adopted this the 28th day of February, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17 - 46

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SIDEWALK MAINTENANCE AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE CITY TO MAINTAIN A NEW SIDEWALK THAT NCDOT WILL CONSTRUCT ALONG THE NORTH SIDE OF US 19-23-74 (SMOKY PARK HWY)

WHEREAS, the NCDOT has developed plans and has the necessary funds to construct a new sidewalk along the north side of US 19-23-74 (Smoky Park Hwy), for a distance of approximately 700 linear feet, in the immediate area of the I-40 interchange at Exit # 44; and

WHEREAS, NCDOT will fully fund the sidewalk construction and, pursuant to NCGS 160A-296 and NCDOT policy, the City will maintain the sidewalk;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into and execute a sidewalk maintenance agreement with the North Carolina Department of Transportation for the City to accept maintenance responsibility for a new sidewalk constructed by the North Carolina Department of Transportation along the north side of US 19-23-74 (Smoky Park Hwy), for a distances of approximately 700 linear feet, in the immediate area of the I-40 interchange at Exit # 44.

Read, approved and adopted this the 28th day of February 2017.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

362

RESOLUTION NO. 17-47

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE, INC. FOR THE PROJECT KNOWN AS BROADWAY VALUTED SIDEWALK AND RETAINING WALL REPAIR

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Broadway Avenue Sidewalk and Retaining Wall Repair, City of Asheville Project #CPM-14-15-013.; and

WHEREAS, Appalachian Paving and Concrete, Inc. From Swannanoa, NC was the lowest responsible bidder for the project, in the amount of $94,510, and

WHEREAS, the project involves the demolition and construction of a retaining wall and sidewalk with safety hand rail; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $94,510 with Appalachian Paving and Concrete, Inc. for the project known as, Broadway Avenue Sidewalk and Retaining Wall Repair, City of Asheville CPM-14-15-013. The City Manager is also authorized to execute any change orders to said contract up to $9,451 or 10% of the contract amount, which may arise during the execution of said project up to the budgeted amount.

Read, approved and adopted this the 28th day of February, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 17-48

RESOLUTION DENOUNCING THREATS AGAINST THOSE OF THE JEWISH FAITH

WHEREAS, on Monday, February 27, 2017 the Asheville Jewish Community Center (JCC) received a bomb threat; and

WHEREAS, according to the JCC Association of North America, on February 27, there were 31 incidents of bomb threats called into 23 JCCs and eight Jewish day schools in Alabama, Arizona, California, Delaware, Florida, Indiana, Maryland, Michigan, New Jersey, Nevada, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, Washington state, and Calgary (Canada); and

WHEREAS, these incidents are part of several waves of threats and vandalism against centers of Jewish Faith that have occurred over the past few months; and

WHEREAS, in December 2016 the City of Asheville passed No. 16-254, "Resolution Against Discrimination and Intimidation," stating that we take great pride in being a welcoming and diverse community where all citizens can live and work without fear of physical violence, threats or intimidation; and

WHEREAS, hate crimes, threats or intimidation that target the Jewish people or any other people will not be tolerated; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council strongly denounces the vandalism and threats made against those of the Jewish faith.

Read and approved and adopted this 28th day of February 2017.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 17-49

RESOLUTION PROPOSING TO ACCEPT AN OFFER FOR SALE OF 0.013 ACRES OF REAL PROPERTY LOCATED AT FLINT STREET AND MAGNOLIA AVENUE; AND DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS, AND IF NO UPSET BID, AUTHORIZE THE CITY MANAGER TO EXECUTE ANY AN ALL DOCUMENTS NECESSARY TO CONVEY THE PROPERTY

WHEREAS, the City of Asheville holds title to real property located at Flint Street and Magnolia Avenue, a portion of which has been identified as 0.013 acres (PIN # 964913853200000); and

WHEREAS, the property is not needed by the City of Asheville; and

WHEREAS, the City of Asheville has received an offer to purchase a portion of said property from Lynn M. Redden in the amount of $12,557; and

WHEREAS, North Carolina General Statues Section 160A-269 provides for the sale of real properties by negotiated offer, advertisement and upset bids;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 0.013 acres (a portion of PIN # 964913853200000) of real property located at Flint Street and Magnolia Avenue to Lynn M. Redden. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within 10 days any person may raise the bid by not less than 10% of the first $1,000 and 5% of the remainder of the purchase price of $1,000.

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey the aforementioned property to Lynn M. Redden. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give full effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 14th day of March, 2017.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 17-50

RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, the term of Hilliard Carlisle, as a member on the Homeless Initiative Advisory Committee, expired on November 1, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Randy Stoudt, 19 North Ann Street, Asheville, N.C., be and he is hereby appointed as a member to the Homeless Initiative Advisory Committee (representing the homeless/formerly homeless seat), to serve a three-year term, term to expire November 1, 2019, or until his successor has been appointed.

Read, approved and adopted this 14th day of March, 2017.

Magdalen Bowleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

366

RESOLUTION NO. 17-51

RESOLUTION AUTHORIZING THE CITY MANAGER TO SELL REAL PROPERTY LOCATED at 600 N. SKYLOFT DRIVE, UNIT A-201, SUBJECT TO CERTAIN RESTRICTIONS

WHEREAS, the City of Asheville holds title to real property located at 600 N. Skyloft Drive, Unit A-201, identified as PIN # 9648-68-1640-C0201); and

WHEREAS, N.C. Gen. Stat. sec. 153A-163 authorizes a city that acquires a property by foreclosure for the aforementioned reason to sell said property by private sale for not less than the amount of its bid; and

WHEREAS, N. C. Gen. Stat. sec. 160A-267 provides for the sale of real property by authorizing the appropriate city official(s) to dispose of the property by private sale at a negotiated price and to publish a notice of sale;

WHEREAS, the property is not needed by the City of Asheville; and

WHEREAS, the City of Asheville has received an offer to purchase said property from Aubrey Ray in the amount of $ 145,000; and

WHEREAS, the City of Asheville intends to convey the property subject to income eligibility, permanent deed restrictions concerning long-term affordability of the unit, and a requirement that the unit must be the primary residence of the owner;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute 160A-267, the City Manager is hereby authorized to dispose of city owned real property located at 601 N. Skyloft Drive, Unit A-201 to Cameron Ortiz for $145,000. Additionally, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell real property located at 601 N. Skyloft Drive, Unit A-201 to Cameron Ortiz. The notice shall contain a general description of the property, the amount and terms of the sale and the restrictions referenced above. No sale shall be consummated until 10 days after its publication.

In the event that Cameron Ortiz cannot complete the transaction due to financing issues or otherwise, then the City Manager is hereby authorized to dispose of the property for the amount of $145,000, with a 10% increase or decrease in price subject to affordability standards, to an eligible buyer subject to the affordability restrictions as recognized above. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give full effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 14th day of March, 2017.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-52

RESOLUTION GRANTING THE CONVEYANCE OF 16.26 SQUARE FEET OF PERMANENT EASEMENT FOR EXISTING COLUMNS IN THE CITY RIGHT OF WAY AND PROPOSING TO ACCEPT AN OFFER FOR SALE OF 602.52 SQUARE FEET OF AIR RIGHTS AT 68 PATTON AVE TO MRK 68 PATTON ASHEVILLE, LLC; DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS FOR THE SALE OF AIR RIGHTS; AND, IF NO OTHER BIDS ARE RECEIVED OR ACCEPTED, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CONVEY THE EASEMENT AND AIR RIGHTS.

WHEREAS, the City of Asheville owns certain property adjacent to 68 Patton Avenue, being a sidewalk within the right of way of Commerce Street; and

WHEREAS, pursuant to North Carolina General Statues Section 160A-273, the City has the authority to grant air rights and easements over public rights-of-way for the purpose of erecting a building or other permanent structure; and

WHEREAS, on February 20, 2017, a qualifying offer was received from MRK 68 Patton LLC to purchase 602.52 square feet of air space conditional to the addition of a permanent balcony on a existing building at 68 Patton Avenue that is being renovated , in the amount of $6,628; and

WHEREAS, MK 68 has requested a permanent easement measuring 16.62 square feet within the aforementioned right of way further to accommodate existing structural columns and the City will grant this easement at no cost because of the pre-existing nature of said columns; and

WHEREAS, City Council of the City of Asheville proposes to accept the offer for the sale of air rights subject to the upset bid procedure pursuant to North Carolina General Statute 160A-269;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 602.52 square feet of air rights located at 68 Patton Avenue to MRK 68 Patton LLC. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder of the purchase price of $6,628. Per the statute, the Council may at any time reject any and all offers and;

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey the aforementioned property to MRK 68 Patton LLC.

Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney to include both the air rights and permanent easement at Commerce Street, in compliance with applicable North Carolina law to MRK 68.

Read and approved and adopted this 14th day of March, 2017.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion

RESOLUTION NO. 17-53

RESOLUTION TO PERMANENTLY CLOSE AN UNNAMED ALLEY BETWEEN 7 AND 19 AUSTIN AVENUE

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unnamed alley located between 7 and 19 Austin Avenue; and

WHEREAS, City Council on the 14th day of February, 2017, adopted a resolution of intent to permanently close the unnamed alley located between 7 and 19 Austin Avenue, and ordered a public hearing on the question of the closing for the 14th day of March, 2017, at its regular meeting on the 2nd floor of the City Hall Building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order of said public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit presented to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along the unnamed alley located between #7 and #19 Austin Avenue; and

WHEREAS, at said public hearing no objections were made that the proposed street closure would deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to the North Carolina General Statutes Sec. 160A-299, an unnamed alley located between 7 and 19 Austin Avenue, said alley identified by the metes and bounds description below, is permanently closed to public use as a public street.

Description for Proposed Partial Closure Between #7 and #19 Austin Avenue

THE NORTH ONE-HALF OF THE 20 FOOT WIDE ALLEY LYING IN BLOCK 3, OF "WOOLSEY INVESTMENT CO." AS RECORDED IN PLAT BOOK 8, PAGE 51 OF THE PUBLIC RECORDS OF BUNCOMBE COUNTY, NORTH CAROLINA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 OF SAID PLAT; THENCE S83°48'17"E ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 160.04 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3, BEING A POINT IN THE WEST LINE OF THAT PROPERTY DESCRIBED IN DEED BOOK 5002, PAGE 659, OF SAID PUBLIC RECORDS; THENCE WITH SAID WEST LINE, S6°18'43"W, A DISTANCE OF 10.00 FEET TO THE CENTERLINE OF SAID ALLEY; THENCE N83°48'17'W ALONG SAID CENTERLINE, A DISTANCE OF 160.04 FEET TO A POINT IN THE EAST LINE OF THE RIGHT-OF-WAY FOR AUSTIN AVENUE; THENCE N6°18'43"E ALONG SAID LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

That a certified copy of this resolution and order be filled in the Buncombe County Register of Deeds.

Read, approved and adopted this 14th day of March, 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

370

RESOLUTION NO. 17-54

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SANITARY SEWER EASEMENT AT 172 SOUTH CHARLOTTE STREET TO THE METROPOLITAN SEWERAGE DISTRICT FOR MAINTENANCE

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at 172 South Charlotte Street, identified as PINs# 9648582843 and PINs # 9648581605; and

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina hereinafter MSD, has requested a Permanent Easement containing approximately 701.5 square feet over a portion of said property at 172 South Charlotte Street; and

WHEREAS, the sewer improvements are related to the capital investment and redevelopment of City-owned property by White Labs, Inc. for their East Coast yeast manufacturing facility;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located at 172 South Charlotte Street (PINS #9648582843 and PINS # 9648581605) to the Metropolitan Sewerage District of Buncombe County, North Carolina for the purposes of maintaining service lines at the manhole located at the entrance. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 28th day of March, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 17 – 55

RESOLUTION ACCEPTING THE DOWNTOWN ASHEVILLE COMPREHENSIVE PARKING STUDY TO BE USED AS A RESOURCE DOCUMENT AND FOR CITY COUNCIL TO PROVIDE POLICY DIRECTION TO STAFF

WHEREAS, the Parking Enterprise Fund is currently healthy and self-sustaining; and,

WHEREAS, staff continues to receive requests regarding parking needs on a regular basis; and,

WHEREAS, staff is developing a Long-Term Parking Program (LTPP) in order to address the parking needs; and,

WHEREAS, the Downtown Asheville Comprehensive Parking Study is needed as a resource document to complement the various parking studies that have been completed and to help set direction for the Long-Term Parking Program (LTPP); and,

WHEREAS, the consultant team led by Nelson Nygaard was hired to prepare the Comprehensive Parking Study; and,

NOW, THEREFORE; BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby accepts the Downtown Asheville Comprehensive Parking Study to be used as a resource document and to provide policy direction to staff.

2. The City Council accepts the recommendation for a series of rate adjustments to fund multiple capital projects for system growth as well as enhancements.

3. The City Council accepts the recommendation to revisit the Code of Ordinances as they relate to the parking violation fines, penalties, and late fees. Additionally, the City Council accepts the recommendation to investigate expanding the hours of enforcement later in the evening.

4. The City Council accepts the recommendation to establish a "Repair and Replacement" Fund and make pre-determined annual budget allocations for this purpose.

5. The City Council accepts the recommendation to continue investing aggressively in short and long-term "smart" parking technologies and programs.

Read, approved, and adopted this 28th day of March, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

372

RESOLUTION NO. 17 - 56

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR GRANTS OF FEDERAL TRANSPORTATION FUNDING, TO SIGN A LETTER OF COMMITMENT FOR LOCAL MATCHING FUNDS, AND IF SUCCESSFUL, TO ACCEPT SUCH GRANTS AND EXECUTE NECESSARY AGREEMENTS WITH THE METROPOLITAN PLANNING ORGANIZATION OR STATE OR FEDERAL AGENCIES TO ACCEPT THE FUNDING

WHEREAS, the City is authorized to make contracts for and to accept grants from the federal and state governments and their agencies for constructing, expanding, maintaining and operating any project or performing any function which the City may be authorized by law to provide or perform; and

WHEREAS, the French Broad River Metropolitan Planning Organization (MPO) has opened a call for projects for federal section Surface Transportation Block Grant (STBG) funds; and

WHEREAS, the City of Asheville has identified the Beaucatcher Greenway Project that is eligible for this funding; and

WHEREAS, if the project is funded, funding agreements will be executed between the City of Asheville and granting and administering agencies prior to receipt of the grant;

WHEREAS, the required match for these federal funds is in the City's approved Capital budget; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council of the City of Asheville hereby authorizes the City Manager to apply to the French Broad River MPO for STBG funding.

2. The City Council of the City of Asheville hereby authorizes the City Manager to sign a letter of commitment for local matching funds, and execute agreements between granting or administering agencies and the City of Asheville to accept the grant and approve the project.

Read, approved and adopted this 28th day of March, 2017.

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

RESOLUTION NO. 17-57

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICE AGREEMENT WITH BBC RESEARCH & CONSULTING FOR THE 2016 DISPARITY STUDY PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, proposals were solicited for the project known as the 2016 Disparity Study Project; and

WHEREAS, the project includes, but not limited to: a Disparity Study of the City of Asheville's contractual awards in construction, goods, services, architectural and engineering services for the five year period of FY11 through FY16; and

WHEREAS, BBC Research & Consulting was selected for the 2016 Disparity Study Project, in the amount of $319,948 through a selection process that reviewed their experience and qualifications as a firm, their staff qualifications and understanding of the project; and

WHEREAS, the proposals have been reviewed by the Community & Economic Development Department along with Minority Business Compliance with all officers recommending approval of the proposal; and

WHEREAS, the total project budget amount of $319,948 is allocated within the Community & Economic Development budget for FY17;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a service agreement with BBC Research & Consulting for the 2016 Disparity Study Project for the service agreement amount of $319,948.

Read, approved and adopted this 28th day of March, 2017.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 17 - 58

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR GRANTS OF FEDERAL TRANSPORTATION FUNDING, AND IF SUCCESSFUL, TO ACCEPT SUCH GRANTS AND EXECUTE NECESSARY AGREEMENTS WITH THE METROPOLITAN PLANNING ORGANIZATION OR STATE OR FEDERAL AGENCIES TO ACCEPT THE FUNDING

WHEREAS, pursuant to N.C.G.S §160A-17.1, the City is authorized to make contracts for and accept grants and loans from other governments and their agencies; and

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has opened a call for projects for federal section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Grants funds; and

WHEREAS, the City of Asheville has identified paratransit service as a project that is eligible for this funding and would be 80% funded by the grant; and

WHEREAS, if any of these projects are funded, City wishes to accept such grants.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council of the City of Asheville hereby authorizes the City Manager to apply to the French Broad River MPO for 5310 funding.

2. The City Council of the City of Asheville hereby authorizes the City Manager to sign and execute agreements between granting or administering agencies and the City of Asheville to accept the grant(s) and approve the projects.

Read, approved and adopted this 28th day of March, 2017.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 17-59

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF ASHEVILLE, BELL ATLANTIC MOBILE OF ASHEVILLE, INC. (DBA VERIZON WIRELESS), AND NEW CINGULAR WIRELESS, LLC (DBA AT&T) FOR THE TOWER REPLACEMENT PROJECT AT 166 RESERVOIR ROAD.

WHEREAS, the City of Asheville owns a telecommunication tower located at 166 Reservoir Road, known as the Lower White Fawn Tower; and

WHEREAS, the City acknowledges that the existing tower is at end-of-life and a total replacement of the tower is recommended; and

WHEREAS, AT&T has agreed to enter into an MOU to provide capital costs and construct the replacement of the City-owned tower in exchange for rent abatement for AT&T's use on the tower; and

WHEREAS, pursuant to 160A-11, the City may contract and be contracted with, and may acquire and hold any property, real or personal, in any manner conveyed including by donation; and

WHEREAS, Verizon has agreed to enter into an MOU to concerning their prospective use of the tower as a telecommunications tenant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute documents and to enter into an amended Memorandum of Understanding with Bell Atlantic Mobile of Asheville, Inc. (dba Verizon Wireless), and New Cingular Wireless, LLC (dba AT&T) for the tower replacement project at 166 Reservoir Road. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 28th day of March, 2017.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

376

RESOLUTION NO. 17-60

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH BUCKEYE BRIDGE, LLC, FOR THE NEP AREA 2 WATER DISTRIBUTION SYSTEMS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the NEP Area 2 Water Distribution Systems Project; and

WHEREAS, Buckeye Bridge, LLC, was the lowest responsible, responsive bidder for the Project, in the amount of $2,674,820.00, with W.K. Dickson & Co., Inc.'s; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of approximately all labor, materials, equipment, and incidentals required for the installation of approximately 26,100 Linear Feet of 6-inch Ductile Iron Pipe and related appurtenances located in the Tiny Farms and Mt. Carmel Acres Subdivisions located in the northwest area of the City of Asheville Water Distribution System; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid; and

WHEREAS, monies are currently allocated within the Water Resources Capital Improvements Project Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with Buckeye Bridge, LLC, for the NEP Area 2 Water Distribution Systems Project for the bid amount of $2,674,820.00 plus a contingency in the amount of $321,000.00 for a total project budget in the amount of $2,995,820.00 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 28th day of March 2017.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 17-61

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL FOR PREMISES LOCATED AT 179 S. CHARLOTTE STREET

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into leases of up to ten (10) years upon resolution of the City Council adopted at a regular meeting after 30 days public notice; and

WHEREAS, the City of Asheville is the owner of real property located at 179 S. Charlotte Street, comprised of three parcels identified as PIN #s 9648-48-4274-00000, 9648-48-4149-00000, and 9648-48-4134-00000; and

WHEREAS, the City of Asheville Board of Alcoholic Control requests to enter into a two (2) year lease amendment with one renewal for said premises for the continued operation of the ABC retail store on the premises; and

WHEREAS, the City of Asheville Board of Alcoholic Control, as Lessee, will be responsible for a fair-market rent of $55,075 per year with 3% annual increases, paid in monthly installments, plus utilities and maintenance associated with the premises; and

WHEREAS, either party has the right to terminate the lease at one hundred, eighty days written notice; and

WHEREAS, on March 10, 2017 said notice of intent was duly published in the Asheville Citizen-Times;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute the Lease Amendment between the City of Asheville and the City of Asheville Board of Alcoholic Control for real property located at 179 S. Charlotte Street, Asheville NC. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 11th day of April, 2017.

Magdalen Barreson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Barreson
City Clerk

RESOLUTION NO. 17- 62

RESOLUTION AUTHORIZING CITY MANAGER TO APPLY FOR, AND IF AWARDED, ACCEPT FUNDING FROM THE DUKE ENERGY GRANT PROGRAM TO RECOVER COSTS DUE TO INCREASED STAFFING LEVELS DURING THE 2016 FALL WILDLAND SEASON

WHEREAS, the City has authority pursuant to N.C.G.S 160A-17.1 to apply for and receive grants from the State and Federal government; and

WHEREAS, the Western North Carolina Association of Firefighters has issued guidelines for the Duke Energy Grant Program; and

WHEREAS, Increased threat posed by wildland fire danger in the fall of 2016 dictated an increase in staffing level to quickly respond to and mitigate brush fires; and

WHEREAS, the Asheville Fire Department wishes to receive non-matching grant in the amount of up to $42,862 available from the Duke Energy Grant Program to reduce the impact on the fire departments overtime budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, and if awarded, accept the non-matching grant in the amount of up to $42,862 available from the Duke Energy Grant Program to reimburse the fire department overtime budget.

Read, approved, and adopted this 11th day of April, 2017.

Magdalen Bourleson
CITY CLERK

Edwin E. Clarke
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION 17 - 63

RESOLUTION ACCEPTING FUNDS FROM PACEBOOK & ASSOCIATES, INC. TO PAY THE ADMINISTRATIVE FEE TO REVIEW A POSSIBLE QUIET ZONE IN THE OAKLEY COMMUNITY

WHEREAS, the Federal Register (Volume 71 Number 59) dated August 17, 2006 entitled "Use of Locomotive Horns at Highway-Rail Grade Crossings" provides guidelines and requirements for quiet zones; and

WHEREAS, Quiet zones can only be established by the public authority having jurisdiction at the specific location of an at-grade crossing; and

WHEREAS, there is an at-grade railroad crossing a Stoner Road in the Oakley community; and

WHEREAS, establishing a quiet zone at the Stoner Road at-grade crossing will improve the livability conditions of the residential community in the surrounding area; and

WHEREAS, Pacebook & Associates, Inc. have offered to provide the funds for the initial administrative review to determine the feasibility and costs to establish a quiet zone at the Stoner Road crossing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council authorizes the City Manager to request and pay the administrative fee to review the possibility of establishing a quiet zone at the Stoner Road at-grade railroad crossing and to accept payment in the amount of of $5,400 from Pacebook & Associates, Inc. to pay the administrative fee cost.

Read, approved and adopted this 11th day of April, 2017.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 17-64

RESOLUTION AUTHORIZING THE APPROVAL OF THE 2017-18 STRATEGIC PARTNERSHIP FUND GRANTS

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the award of Strategic Partnership Fund Grants, as recommended by the Housing and Community Development Committee as follows:

AGENCY	AWARD
Asheville Area Arts Council	$5,000
Bountiful Cities	$11,000
Children First	$20,000
Getting Back to Basics	$3,500
Green Opportunities	$10,000
Homeward Bound	$30,000
i.b.mee (I Be Me)	$3,700
My Daddy Taught Me That	$20,000
OnTrack Financial	$12,000
One Youth at a Time	$5,000
Positive Changes Youth Ministries	$6,500
Read to Succeed	$5,000
The SPARC Foundation	$13,300
United Way 211	$1,400
YWCA	$12,000
TOTAL	**$158,400**

2. Council authorizes the City Manager to sign all contracts and grants, after approval by the City Attorney, with designated agencies for the implementation of the Strategic Partnership Grants.

Read, approved and adopted this 11th day of April, 2017.

Magdalen Bowlson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-65

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER IN A CONTRACT WITH PATTON CONSTRUCTION COMPANY FOR MODERNIZATION OF THE CIVIC CENTER GARAGE ELEVATOR

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, modernization services are needed in the Civic Center Parking Garage elevator; and

WHEREAS, the amount of the contract is $339,950.00 and the monies have been budgeted in the Transportation Department/Parking Services' Capital Budget for FY 2016-17; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Patton Construction Company, not to exceed $355,000.00, including contingency, to modernize the Civic Center Parking Garage elevator and further authorized to execute any change orders to said contract or document which might arise during the time period of the contract up to the budgeted amount.

Read, approved and adopted this the 11th day of April 2017.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

382

RESOLUTION NO. 17-66

RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT POLICY AND PROCEDURE MANUAL FOR THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville is an entitlement jurisdiction for federal formula grants through the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) Program; and

WHEREAS, the City of Asheville is responsible for regulating subrecipient compliance with federal regulations; and

WHEREAS, the Community Development Block Grant Policy and Procedure Manual adheres to HUD's guidelines for CDBG requirements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Community Development Block Grant Policy and Procedure Manual be adopted by the City of Asheville

Read and approved and adopted this 11th day of April, 2017.

Magdalen Bowlesson
CITY CLERK

Esther E Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 17- 67

RESOLUTION AUTHORIZING CITY MANAGER TO APPLY FOR, AND IF AWARDED, ACCEPT FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT ASSOCIATION TO RECOVER COSTS DUE TO INCREASED STAFFING LEVELS DURING THE 2016 FALL WILDLAND SEASON

WHEREAS, the City has authority pursuant to N.C.G.S 160A-17.1 to apply for and receive grants from the State and Federal government; and

WHEREAS, the Federal Emergency Management Association has issued guidelines for the Fire Management Assistant Grant; and

WHEREAS, assistance was provided to Buncombe County and the North Carolina Fire Service during the Party Rock Wildland Fire; and

WHEREAS, the Asheville Fire Department wishes to receive non-matching grant in the amount of $23,254 available from the Fire Management Assistance Grant to reduce the impact on the fire departments overtime budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to designate the applicant agent to apply for, and if awarded, accept funding from the Fire Management Assistance Grant to reimburse the fire department overtime budget.

Read, approved, and adopted this 11th day of April, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. M
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-68

RESOLUTION APPROVING SECTION 108 LOAN REPAYMENT ON THE WOODFIN APARTMENTS

WHEREAS, the City of Asheville made a Section 108 Loan to the Housing Authority of the City of Asheville for the rehabilitation of the Woodfin Apartments in 2004; and

WHEREAS, the City of Asheville and the Housing Authority of the City of Asheville have the common goal of targeted, affordable housing units for hard to house homeless households; and

WHEREAS, the repayment of this Section 108 Loan dedicates 19 affordable housing units for a minimum of 20 years for hard-to-house households and reinvests this loan repayment into 2017-18 Community Development Block Grant funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Section 108 Loan Repayment by the Housing Authority of the City of Asheville be accepted, with 19 affordable housing units for a minimum of 20 years for hard-to house households in the Woodfin Apartments, and that the Section 108 Repayment amount be reinvested into Community Development Block Grant funds as 2017-18 program income.

Read and approved and adopted this 11th day of April, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-69

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY OWNED PERSONAL PROPERTY, (2005 WESTERN STAR DUMP TRUCK), VALUED AT $30,000 OR MORE

WHEREAS, pursuant to N.C.G.S. §160A-266, disposal of City owned surplus personal property valued at $30,000 or more requires City Council approval; and

WHEREAS, the City owns a surplus 2005 Western Star Dump Truck, with an estimated value of $5,000.00; and

WHEREAS, the Dump Truck was advertised on the Public Surplus Bid website and upon completion of the auction on Sunday, April 2, 2017, the highest bid was $51,000.00; and

WHEREAS, to finalize the sale of the Dump Truck, City Council approval is needed; and

WHEREAS, proceeds of the sale will be returned to the Water Enterprise Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Purchasing Manager is hereby authorized to sell the 2005 Western Star Dump Truck for $51,000.

2. The Purchasing Director is hereby further authorized to execute any and all documents and require any and all other information necessary to effectuate the sale of the 2005 Western Star Dump Truck.

Read, approved and adopted this the 11th day of April, 2017.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 17-70

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FROM THE 2016 TOURISM PRODUCT DEVELOPMENT FUND CYCLE

WHEREAS, the Buncombe County TDA awarded funding from their 2016 grant funding cycle in October 2016; and

WHEREAS, the City of Asheville has identified a U.S. Cellular Center renovation project that will add new and incremental room nights and meets the goals and requirements iterated by the grant guidelines; and

WHEREAS, City Council has identified the need to maintain and improve the City's infrastructure in a fiscally responsible manner;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept a grant award from the Buncombe County Tourism Development Authority for the 2016 Tourism Product Development Fund cycle.

Read, approved and adopted this the 11th day of April, 2017.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-71

RESOLUTION AMENDING THE RULES ON BOARDS AND COMMISSIONS

WHEREAS, City Council adopted Resolution No. 95-150 on September 26, 1995, establishing a new policy governing City Rules on Boards and Commissions; and

WHEREAS, said policy was last amended by Resolution No. 11-54 on March 22, 2011; and

WHEREAS, the Council feels it's in its best interest to revise the policy relative to the responsibilities of the City Council Liaison, located in Section 4 of the "Board at Work";

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Resolution No. 11-54 be and is hereby repealed in its entirety and a new policy regarding City Rules on Boards and Commissions is hereby adopted as set forth in the Rules on Boards and Commissions attached hereto as "Exhibit A", and incorporated herein by reference.

Read, approved and adopted this 25th day of April, 2017.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

CITY OF ASHEVILLE
RULES ON BOARDS AND COMMISSIONS

Purpose

The City of Asheville provides for continuous citizen input and advice through a wide variety of boards and commissions. Some of these are advisory in nature to the City Council, while others have distinct responsibilities that are established by law. The City Council encourages citizens to participate in their City government by volunteering to serve on these boards and commissions.

Application for Appointment

1) A description of all City boards is contained in "The Talent Scout". This document is available in the City Clerk's Office and is distributed widely in the community and on the City's webpage. A brief form stating the citizen's interest in serving on a board is a part of "The Talent Scout" and can be submitted to the City Clerk.

2) An application and/or resume is required for consideration of an appointment to a City board.

3) In most cases, the City Council will require an interview process prior to appointment.

4) All appointments are made in an open session of the City Council. Discussion and consideration of appointments and interviews are also held in open session.

5) Once an application for an appointment has been filed with the City Clerk, it is placed on a resource list and remains active for a one-year period. At the end of that period of time, you will be contacted by the City Clerk's Office to see if you wish to seek other opportunities to support your participation on our boards.

6) Applicants are strongly urged to attend several meetings of a board prior to applying and/or appointment to a board.

Qualifications

1) Appointees to boards and commissions shall be residents of the City of Asheville, unless otherwise specified or provided for by law, ordinance, or Council action establishing said board or commission, or in the rules or by laws of said board or commission, if approved by Council.

2) In matters where an intergovernmental board has independent governing authority (by law, by agreement, or other enabling authority), and where not prohibited by law, at least one of the City's appointees shall be a current member of the City Council.

Such an appointment allows Council to be a part of deliberation and decision-making on matters of regional importance that impact the City of Asheville.

3) No citizen shall be eligible to hold concurrently more than two Mayoral or City Council appointments to standing boards or commissions; this limitation shall not apply to ad hoc committees appointed by the Council.

4) Efforts are made to represent the diversity that we have in our community on all boards, and criteria for appointments may be established to achieve appropriate diversity, except that preference shall be given to appointment of residents of a specific area of town for which an ad hoc or advisory committee may be appointed.

5) An oath of office (or affirmation) is required for some boards and commissions. Where applicable, newly appointed board members will take and sign an oath of office or affirmation following their appointment.

If a board member enters on the duties of his or her office before taking, subscribing and filing the oath of office, he or she may be removed from office.

Terms

1) A term of service on all City boards shall be limited to three years or less, unless otherwise provided by law.

2) A length of service on all boards and commissions shall be limited to two full successive terms (plus any unexpired term to which a member is appointed).

3) A member shall serve until the expiration of their term or until such time as a successor is appointed, whichever occurs later, unless otherwise provided by law.

4) The City Council Boards & Commissions Committee may request that a member in good standing be allowed to serve out their term should they become a non-city resident.

5) Reappointment to a second term is not automatic and will be based on circumstances to be determined by the City Council in each individual case.

Attendance

1) Appointees to boards and commissions are expected to attend all meetings possible.

2) Any appointee who fails to attend at least 75% of the regularly scheduled meetings of a board or commission within a twelve (12) month period, may be removed.

3) The board chairman or staff liaison shall be responsible for reporting on attendance to the City Clerk upon request.

4) Attendance provisions are not imposed upon Council liaison members but are in effect for Councilmen serving as appointed regular members on a board or commission.

The Board at Work

1) Each board receives its charge from the North Carolina General Statutes or from a City ordinance or resolution establishing the board.

2) The City Council may, from time to time, ask a board to consider specific items not in conflict with existing laws.

3) The chairman, working with the staff liaison, shall post copies of their minutes on the City's website.

4) The City Council may appoint a City Council person as liaison to the board or commission. The role of the liaison shall be to provide information regarding long-range issues and projects under consideration by the Council which would be of interest to that board or commission and assist the board with procedural questions and scope of work. The liaison can address questions regarding Council's strategic goals and feasibility, but shall not play an active role in deliberation of the board or commission. Council liaisons are encouraged to attend meetings, but it is not required.

5) Each board shall make an annual report to the City Council outlining their activities for the past year. The report shall be posted on the City's website by January 30 for the previous calendar year.

6) An orientation session will be conducted for all new appointees by the City staff liaison.

7) From time to time, additional training sessions for board members may be provided through City staff, the Institute of Government and other training groups and organizations. The City Council encourages members to take advantage of these opportunities.

8) No board or commission member who is not present at a meeting shall be allowed to vote by proxy.

9) The board will comply with open meeting laws, including notice of meetings.

10) The board is to provide the City Clerk with their schedule of regular meetings with the predetermined time and place. The schedule will be revised only in accordance with legal requirements for notice.

11) In order to conduct official business at a regular or special meeting, a quorum of the board must be present. In the absence of a rule, by-law, or statute providing otherwise, a quorum is more than half of the members of the board, not counting vacant seats. If a quorum is not present at any meeting, the chairperson will postpone the meeting until such time as a quorum can be present, provided adequate notice is given pursuant to the open meetings law.

Committee on Boards and Commissions

1) The Mayor may appoint a committee of City Council, with the Vice-Chair as Chairman, to evaluate the on-going need for each board and recommend to the City Council elimination of any for which there is no longer a need. This committee may also consider other items in regard to board structure, appointments or other items at the request of the Mayor and/or the City Council.

Conflict of Interest

1) No member of a board shall participate in the discussion or vote on any item involving their own official conduct or financial interest.

2) It is the responsibility of an individual board member to bring to the attention of the entire board any item for which there may be a conflict of interest.

3) It is up to the entire board to decide if a conflict exists and vote to excuse a member from considering a particular item.

4) Staff and legal assistance is available to all boards and commissions to help the board with decisions in this area.

Resignations and Replacements

1) Any member of a board or commission who desires to resign shall do so in writing to the City Clerk.

2) Unless otherwise provided by law, ordinance or resolution, all appointment by the City Council to a board or commission serve at the pleasure of Council, and may be removed from a board or commission at the discretion of Council.

3) For those boards and commissions whose members may be removed for cause, cause shall include, without limitation, the following: conflict of interest, failure to attend meetings. Removal for cause shall be by Council resolution.

Ad Hoc Committees

1) The City Council may appoint ad hoc committees to make recommendations regarding particular matters of interest within the City.

2) The foregoing rules on boards and commissions shall apply to ad hoc committees except where alternate provisions are made by the Council.

Inclement Weather

1) If the Asheville City Schools are cancelled, then any board/commission meeting scheduled for that day will be cancelled.

2) The chairman of the board/commission will have the discretion of cancelling a meeting in the event of safety concerns when the Asheville City Schools have delayed starts.

3) In the event of inclement weather, the Chairs of the respective City Council Committees (Housing & Community Development Committee; Planning & Economic Development Committee; Public Safety Committee; Finance Committee; and Boards & Commissions Committee) will have the discretion whether or not the meeting is held that day.

RESOLUTION NO. 17-72

RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A GRANT AND ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF ENVIRONMENT AND NATURAL RESOURCES GRANT FOR CONSTRUCTION COSTS FOR THE MONTFORD CENTER COMPLEX

WHEREAS, pursuant to G.S 160A-17.1 the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, the City of Asheville is committed to the development and construction of the Montford Center Complex; and

WHEREAS, funds are available from the State of North Carolina through the Department of Environment and Natural Resources, Division of Parks and Recreation in the North Carolina Parks and Recreation Trust Fund; and

WHEREAS, the City of Asheville is requesting a grant in the amount not to exceed $402,150 from the North Carolina Parks and Recreation Trust Fund which requires a dollar for dollar cash match; and

WHEREAS, in the event a grant is awarded, the City of Asheville certifies and assures it has the ability and intention to provide the dollar for dollar cash match of the grant amount; and

WHEREAS, the City of Asheville agrees to comply with all State and Federal permits and applicable laws; and

WHEREAS, the City of Asheville will hold the State harmless of any damage that may result from the construction, operation, and maintenance of the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is authorized to apply for and enter into an agreement with the North Carolina Department of Environment and Natural Resources for a grant not to exceed $402,150 for renovation of the Montford Center Complex.

Read, approved and adopted this 25th day of April, 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 17-73

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FISCAL YEAR 2016 AND FISCAL YEAR 2017 JOB ACCESS AND REVERSE COMMUTE GRANT OF THE FEDERAL TRANSIT ADMINISTRATION SECTION 5307 TO FUND PART OF THE COST OF PROVIDING SUNDAY SERVICE AND ROUTE 170 TO BLACK MOUNTAIN

WHEREAS, Section 5307 authorizes Federal funding for transit operations under the Job Access and Reverse Commute program; and

WHEREAS, if awarded, the City will receive $187,200 to help with the cost of operating the transit system on Sundays and $104,963 to help with the cost of operating Route 170 to Black Mountain; and

WHEREAS, the City will provide a 50% match or $187,200 and $104,963 respectively; and

WHEREAS, Sunday service and Route 170 to Black Mountain provides an invaluable service to the community; and

WHEREAS, the City has authority, pursuant to N.C.G.S. # 160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council authorizes the City Manager to apply for the FY 2016 and FY 2017 Job Access and Reverse Commute Federal grant in the amount of $187,200 for Sunday service and $104,963 for two years for Route 170 to Black Mountain.

Read, approved and adopted this the 25th day of April 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 17-74

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE, INC. FOR THE PROJECT KNOWN AS CONCRETE REPAIR – UTILITY CUTS

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Concrete Repair – Utility Cuts, City of Asheville Project # ST-16-17-006; and

WHEREAS, Appalachian Paving and Concrete, Inc. of Asheville, NC was the lowest responsible bidder for the project, in the amount of $247,537.50, and

WHEREAS, the project involves the repair of concrete infrastructure that has been damaged during the installation of utilities; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Minority Business plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $247,537.50 plus a contingency $43,837 (18%) with Appalachian Paving and Concrete Inc. for the project known as Concrete Repair – Utility Cuts, City of Asheville Project # ST-16-17-006.

Read, approved and adopted this the 25th day of April, 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 17- 75

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT FOR INSTALLATION OF SYNTHETIC TURF WITH SPORTS CONSTRUCTION MANAGEMENT, INC. AT THE JOHN B. LEWIS SOCCER COMPLEX

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, The City has determined that improvements to enhance the use, safety and appearance of the synthetic turf at the soccer fields of the John B. Lewis Soccer Complex are necessary: and

WHEREAS, the City has identified the need for improvements and has planned to complete the project under the general capital improvement fund for Parks and Recreation Department; and

WHEREAS, the John B. Lewis Soccer Complex Synthetic Turf Replacement demonstrates the City's commitment to maintain and improve the City's infrastructure as identified in the 2036 Council Vision; and

WHEREAS, improvements such as those proposed for John B. Lewis Soccer Complex are identified as needed actions in the Parks, Recreation Cultural Arts, and Greenway Master Plan; and

WHEREAS, the City will purchase the synthetic turf products through The Cooperative Purchasing Network; and

WHEREAS, pursuant to North Carolina General Statute 143-129, the City advertised for construction bids; and

WHEREAS, Sports Construction Management, Inc., Lexington, North Carolina was selected as the lowest, responsible bidder for the construction services as part of the advertisement for bids process; and

WHEREAS, the Sports Construction Management, Inc. will be required to recycle the existing synthetic turf to avoid placing it in the landfill;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a construction contract for the installation of synthetic turf with Sports Construction Management, Inc., at the John B. Lewis Soccer Complex in the amount of $755,565.00 plus a contingency of $187,000.00 for a total of $942,565.00, and authorized to execute any change orders to the contract or documents which may arise during construction of the project within the approved budget.

Read, approved and adopted this the 25th day of April, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-76

RESOLUTION SUPPORTING RAISING THE AGE OF JUVENILE JURISDICTION FROM 16 TO 18 IN NORTH CAROLINA FOR MISDEMEANANTS AND NON-VIOLENT FELONS

WHEREAS, North Carolina remains one of only two states in the U.S. that automatically prosecute 16- and 17-year-olds as adults, regardless of the severity of the crime; and

WHEREAS, according to a 2013 John Locke Foundation report, one study found an *85 percent increase* in re-arrest rates amongst juveniles tried in the adult court system over those retained in the juvenile justice system; and

WHEREAS, adolescents prosecuted in the juvenile justice system are less likely to go on to commit another crime compared to juveniles tried in the adult system which means lower costs to society and more children growing up to become educated, employed citizens; and

WHEREAS, evidence shows that the juvenile justice system - with programs tailored to how children think and learn - is more effective at rehabilitating youth and that neuroscience and psychological studies prove brain development continues until well into a person's 20's; and

WHEREAS, raising the age of juvenile jurisdiction to 18 will lead to significant long-term financial savings, safer communities, better academic results, and overall better outcomes for children; and

WHEREAS, although juvenile crime has been declining, in 2014 alone over 17,000 misdemeanor charges were filed against 16- and 17-year-olds statewide; and

WHEREAS, even in cases where the charges are dismissed there remains the very real and long-term collateral consequences of a public record that could impact a young person's ability to get hired for their first job, college financial aid eligibility, or enlisting in the military; and

WHEREAS, 97% of crimes committed by 16- and 17- year olds in North Carolina are either categorized as misdemeanors (80%) or non-violent felonies (17%); and

WHEREAS, for over a decade now, legislation to raise the age of juvenile jurisdiction to 18 for non-violent offenders has been introduced by a bi-partisan coalition of legislators in Raleigh, even passing the North Carolina House of Representatives in 2013; and

WHEREAS, in 2016 the NC Commission on the Administration of Law & Justice, under the strong direction and leadership of NC Supreme Court Chief Justice Mark Martin, made a recommendation in favor of raise the age (except for A-E felonies and traffic offenses); and

WHEREAS, the NC Commission on the Administration of Law & Justice also recommends expanding existing programs to reduce school-based referrals to juvenile and adult court known as "School-Justice Partnerships"; and

WHEREAS, the NC Sheriffs' Association, NC Police Benevolent Association, NC Association of County Commissioners, NC Association of Chiefs of Police, and the NC Chamber of Commerce are all on record in support of raising the age to 18; and

WHEREAS, support for raising the age of juvenile jurisdiction from 16 to 18 is contingent upon the allocation by the NC General Assembly of the full resources needed to cover the costs of this transition;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council calls on the N.C. General Assembly and Governor Roy Cooper to support legislation during the 2017-2018 legislative session automatically raising the age of juvenile jurisdiction from 16 to 18 for all crimes other than Class A through E felonies and traffic offenses.

Read, approved and adopted this 25th day of April, 2017.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 17- 77

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY SOCCER CLUB GAME ON THE DATE OF SATURDAY, MAY 6, 2017, FROM 6:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville City Soccer Club Game.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville City Soccer Club Game event area, as set forth in Exhibit A, attached.

   The Asheville City Soccer Club Game event area is within the boundaries of Memorial Stadium.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville City Soccer Club Game on Saturday, May 6, 2017 from 6:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville City Soccer Club Game event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville City Soccer Club Game event area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

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4. The location of the Asheville City Soccer Club Game, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 25th day of April, 2017.

Magdalen Bowlson
CITY CLERK

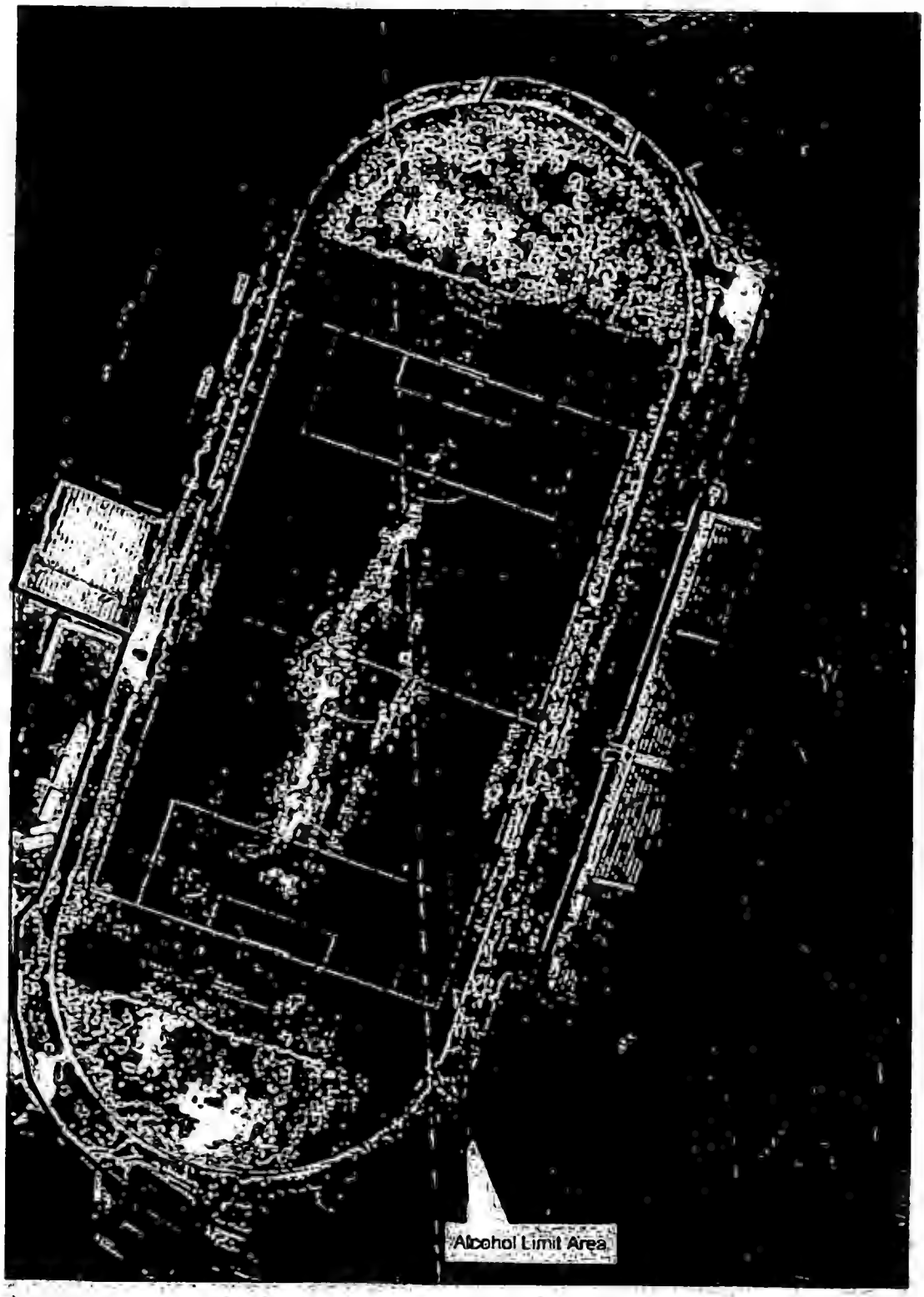
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

EXHIBIT A



Memorial Stadium

402

RESOLUTION NO. 17-78

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A TERMINATION OF EASEMENT AGREEMENT FOR AN ABANDONED WATER LINE LOCATED AT 24 EDGEWOOD ROAD EAST

WHEREAS, the City of Asheville, hereinafter the City, has abandoned an existing 6-inch waterline that crossed under a house at 24 Edgewood Rd E (PIN No. 9658-86-7099); and

WHEREAS, the City has no need to reserve the easement for municipal use and is willing to terminate the existing easement to benefit the property owner;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to terminate its interest or claims to real property located at 24 Edgewood Rd E (PIN# 9658-86-7099) to the property owner.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 17-79

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON CITY OWNED PROPERTY AT SHILOH PARK TO CATHERINE KINNARD FOR CONSTRUCTION OF A SEWER SERVICE LINE

WHEREAS, the N.C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of the Shiloh park property located near Kent Street, identified as PIN# 965712607700000; and

WHEREAS, Catherine Kinnard has requested a Permanent Easement containing approximately 150 square feet over a portion of said property near Kent Street and has agreed to pay $516.00 as fair market consideration for said easement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located on Shiloh Park to Catherine Kinnard. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

404.

RESOLUTION NO. 17-80

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER IN A CONTRACT WITH IPS GROUP FOR REPLACEMENT OF EXISTING PARKING METERS

WHEREAS, the City of Asheville has authority pursuant to North Carolina General Statutes 143-129.8 for purchase of information goods and services to enter into contracts for services with other entities; and

WHEREAS, REPLACEMENTS are needed FOR EXISTING PARKING METERS; and

WHEREAS, the amount of the contract is $900,000.00 and the monies have been budgeted in the Transportation Department/Parking Services' Operating Budget for FY 2016-17; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with IPS Group to replace and operate existing parking meters for three years, not to exceed $900,000.00, with an option to extend contract for three additional years, and further authorized to execute any change orders to said contract or document which might arise during the time period of the contract up to the budgeted amount.

Read, approved and adopted this the 9th day of May 2017.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17- 81

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ACSC GAMES ON THE DATES OF WEDNESDAY, MAY 17, FRIDAY, MAY 19, THURSDAY, JUNE 8, SATURDAY, JUNE 17, TUESDAY, JUNE 20, SATURDAY, JULY 1, AND SATURDAY, JULY 8, 2017 FROM 6:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the ACSC Games.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the ACSC Games event area, as set forth in Exhibit A, attached.

   The ACSC Games event area is within the boundaries of Memorial Stadium.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the ACSC Games on Wednesday, May 17, Friday, May 19, Thursday, June 8, Saturday, June 17, Tuesday, June 20, Saturday, July 1, and Saturday, July 8, 2017 from 6:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the ACSC Games event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the ACSC Games event area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the ACSC Games, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Bourleson
CITY CLERK

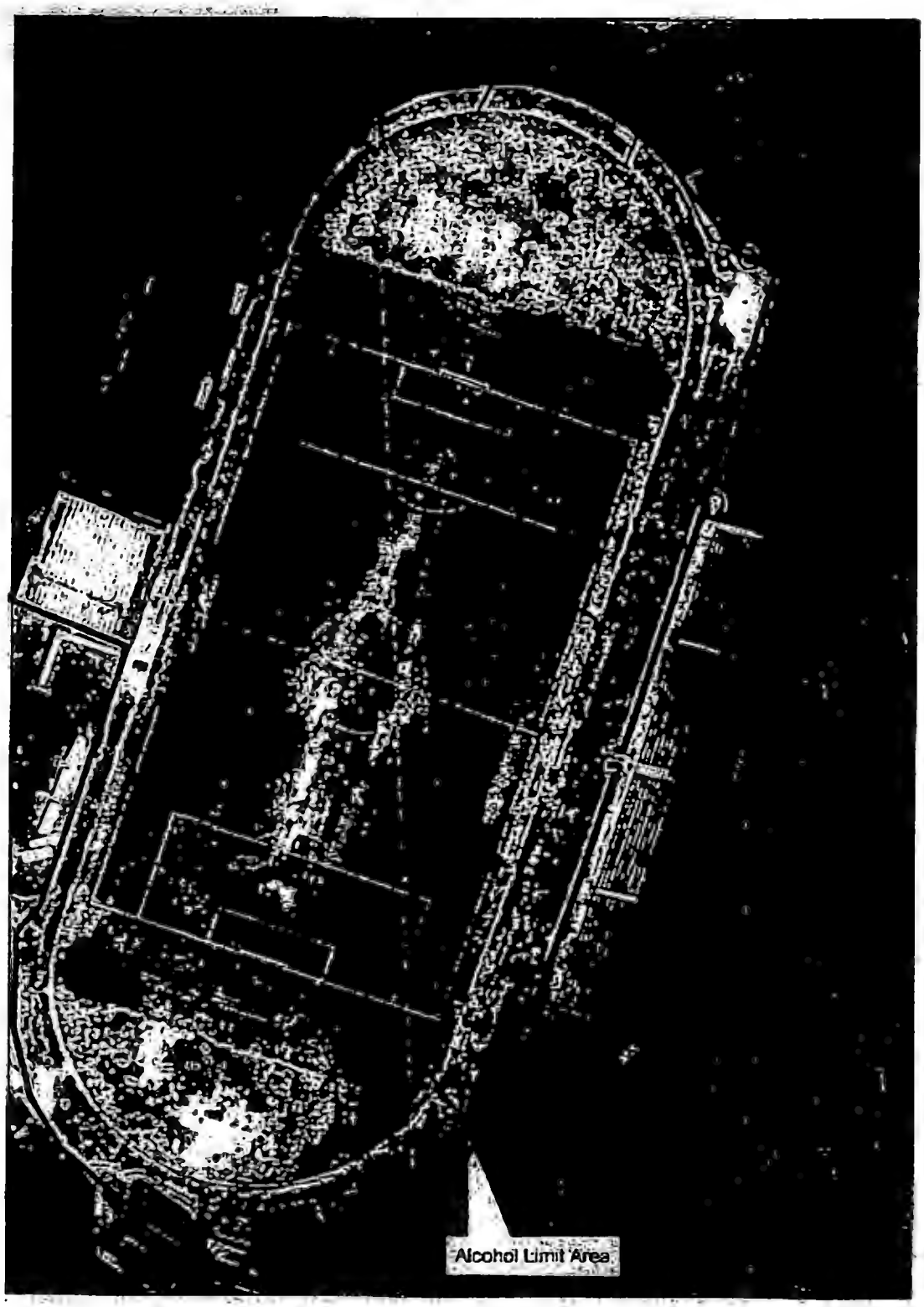
Esther E. Manka
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

EXHIBIT A



Memorial Stadium

408.

RESOLUTION NO. 17- 82

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL ON THE DATE OF SATURDAY, MAY 27, 2017 FROM 12:00 PM – 5:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Festival event area, as set forth in Exhibit A, attached.

   The Beer City Festival event area is within the boundaries of the Roger McGuire Green at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Festival on Saturday, May 27, 2017 from 12:00 p.m. – 5:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Beer City Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Beer City Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Beer City Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Bouleson
CITY CLERK

Arthur E. Mahn
MAYOR

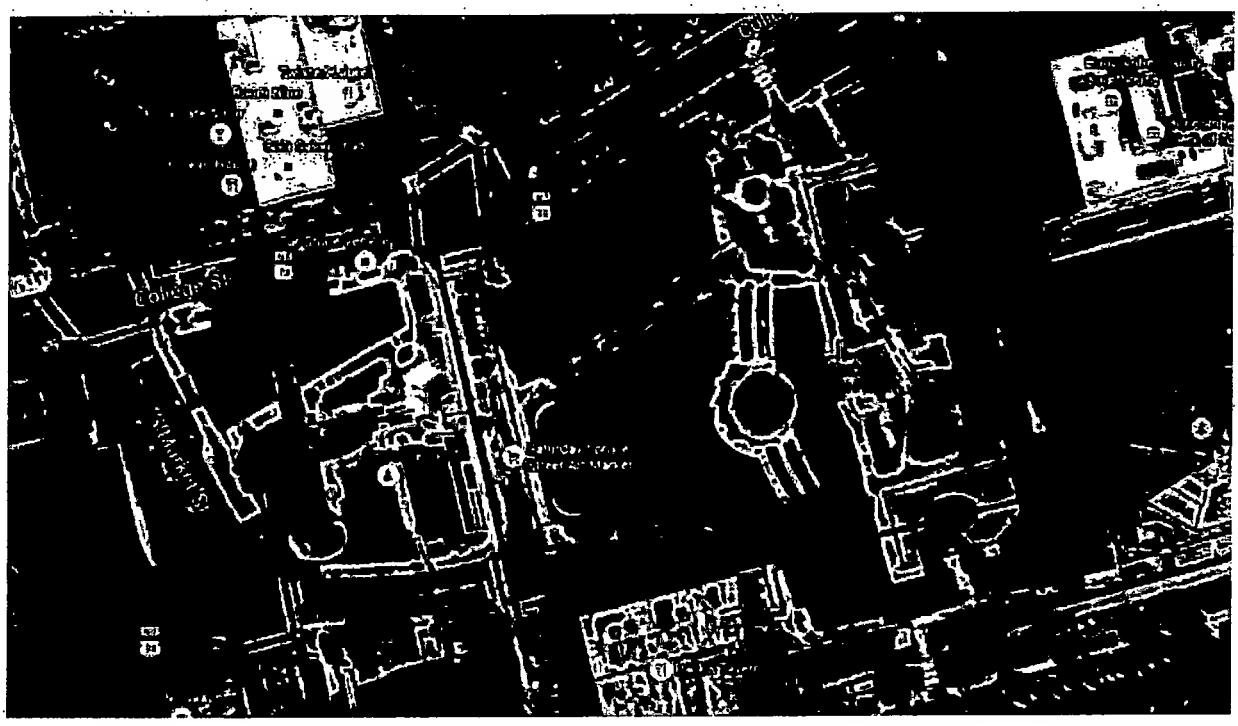
Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

410

EXHIBIT A



RESOLUTION NO. 17- 83

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER 5 ON THE DATES OF FRIDAY, MAY 19, JUNE 16, JULY 21, AUGUST 18, AND SEPTEMBER 15, 2017 FROM 5:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Downtown After 5.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Downtown After 5 event area, as set forth in Exhibit A, attached.

   The Downtown After 5 event area is within the boundaries of Lexington Avenue between the I-240 overpass and Hiawassee Street intersection.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Downtown After 5 on Fridays, May 19, June 16, July 21, August 18, and September 15, 2017 from 5:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Downtown After 5 event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Downtown After 5 event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Downtown After 5, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Bousson
CITY CLERK

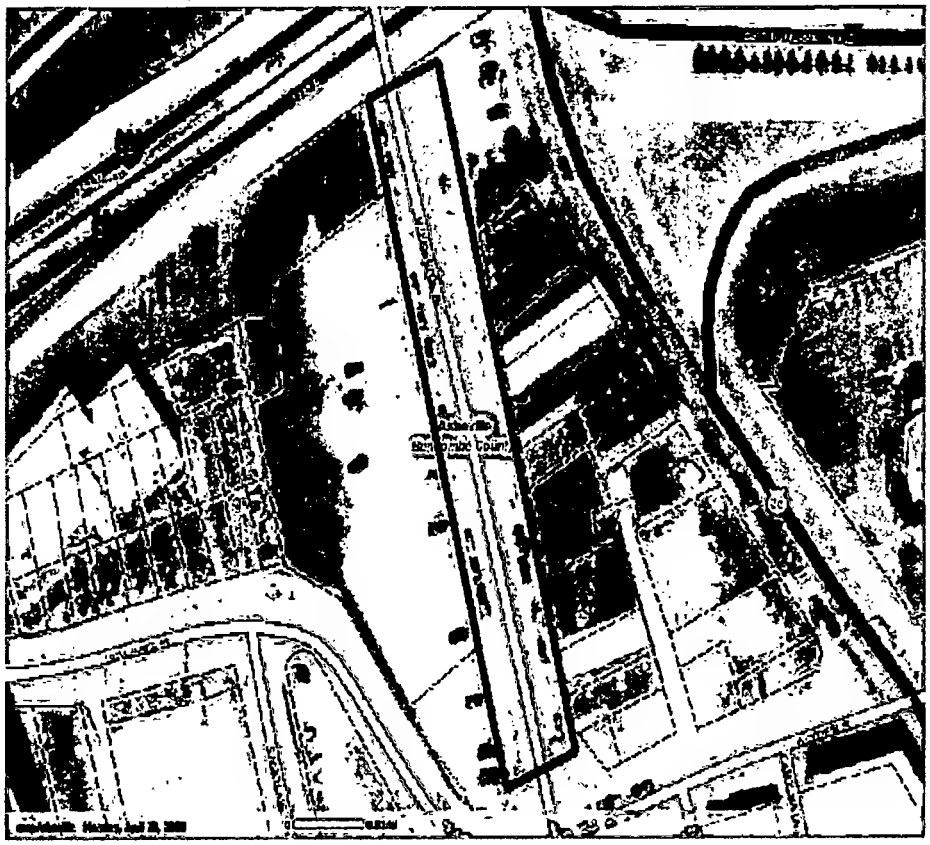
Esther E. Manker
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bousson
City Clerk

EXHIBIT A



Lexington Avenue (100 Block)

414

RESOLUTION NO. 17- 84

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BREWS & BEARS ON THE DATE OF FRIDAY, JULY 21, 2017 FROM 5:30 PM – 7:30 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Brews & Bears.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Brews & Bears event area, as set forth in Exhibit A, attached.

   The Brews & Bears event area is within the boundaries of the WNC Nature Center, located at 75 Gashes Creek Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Brews & Bears on Friday, July 21, 2017 from 5:30 p.m. – 7:30 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Brews & Bears event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Brews & Bears event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Brews & Bears, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages

and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Bouleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

EXHIBIT A

RESOLUTION NO. 17- 85

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE WINE & FOOD FESTIVAL ON THE DATES OF FRIDAY, AUGUST 18 AND SATURDAY, AUGUST 19, 2017 FROM 1:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Wine & Food Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Wine & Food Festival event area, as set forth in Exhibit A, attached.

   The Asheville Wine & Food Festival event area is within the boundaries of the Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville Wine & Food Festival on Friday, August 18 and Saturday, August 19, 2017 from 1:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Wine & Food Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Wine & Food

Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville Wine & Food Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Bullock
CITY CLERK

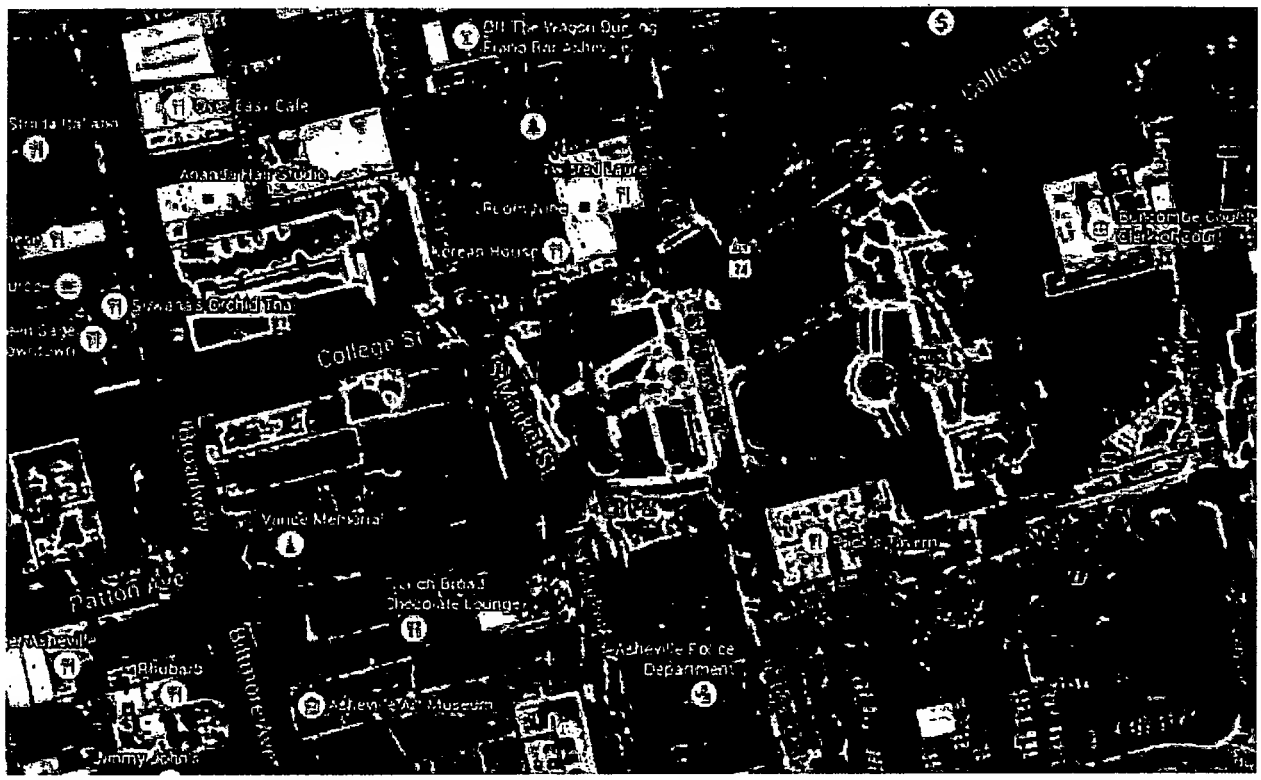
Edwin G. Marks
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

EXHIBIT A


College St
Broadway
Patton Ave
Biltmore Ave
Vance Memorial
Asheville Police Department
Rhubarb
Jimmy John's
Asheville Art Museum
Korean House
Room Zero
Sweet Jane
Buncombe County Courthouse
Post East Cafe

420

RESOLUTION NO. 17- 86

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE RUNNING EXPERIENCE ON THE DATE OF SATURDAY, SEPTEMBER 23, 2017 FROM 7:00 AM – 9:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Running Experience.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Running Experience event area, as set forth in Exhibit A, attached.

   The Asheville Running Experience event area is within the boundaries of Coxe Avenue between the intersections of Hilliard Avenue and Banks Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Running Experience on Saturday, September 23, 2017 from 7:00 a.m. – 9:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Running Experience event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Running Experience event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville Running Experience, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Bowleson
CITY CLERK

Esther G. Manheimer
MAYOR

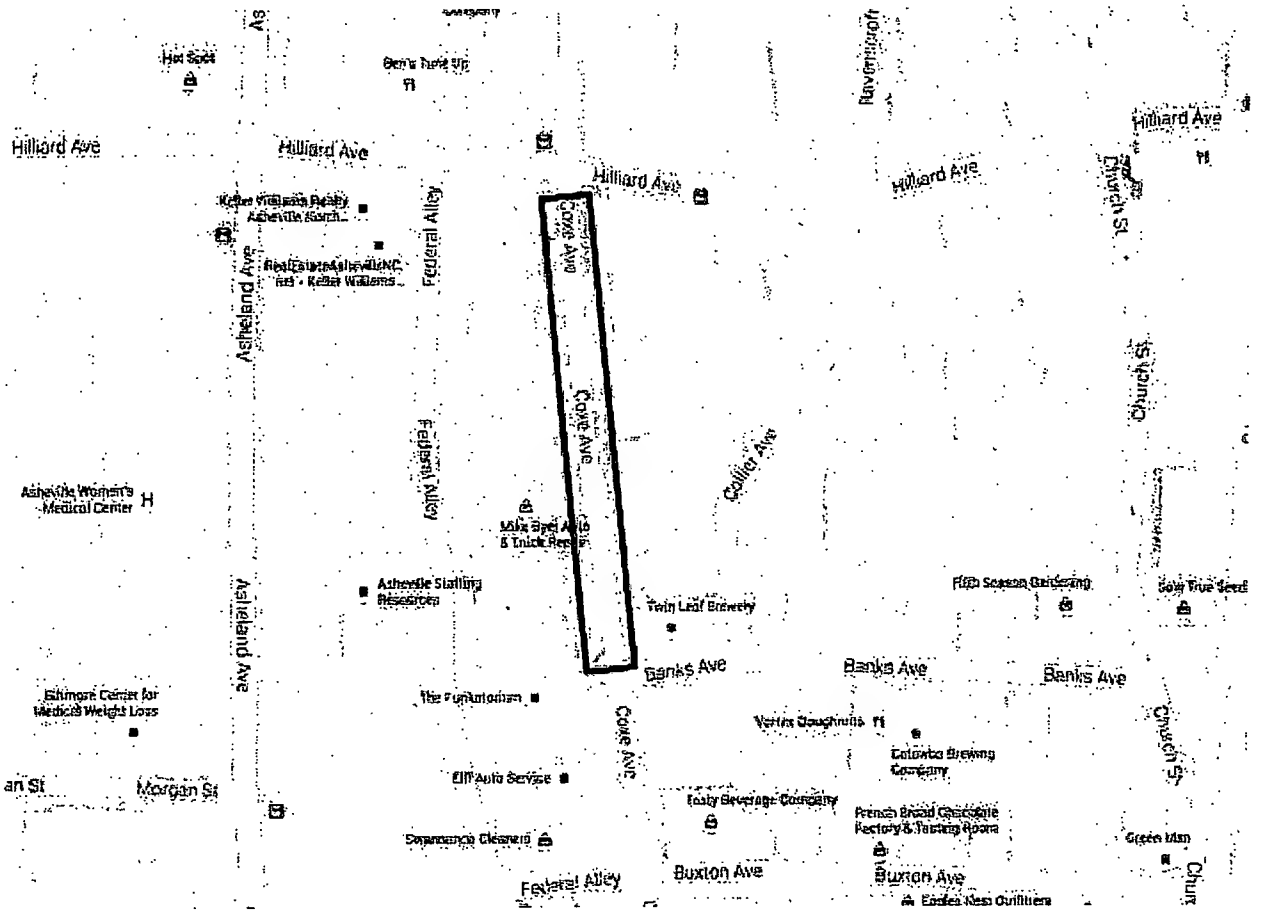
Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

422.

EXHIBIT A



RESOLUTION NO. 17-87

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE N.C. DEPT. OF ENVIRONMENTAL QUALITY FOR THE PURPOSE OF EXPANDING RECYCLING ACCESSIBILITY IN PUBLIC HOUSING COMMUNITIES AND IMPLEMENTING COMPOSTING AT THE US CELLULAR CENTER THOMAS WOLFE AUDITORIUM

WHEREAS, pursuant to G.S. 160A-17.1 the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, the City of Asheville is committed to reducing waste and increasing recycling and has an opportunity to expand recycling availability to the Pisgah View public housing community; and

WHEREAS, the City of Asheville has an opportunity to reduce organic waste and fund composting infrastructure and composting educational materials for the US Cellular Center Thomas Wolfe Auditorium;

WHEREAS, the City of Asheville applied for and was awarded a grant totaling $28,301 through N.C. Dept. of Environmental Quality's Community Waste Reduction and Recycling grant opportunity;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept grant funding of $28,301 from the N.C. Dept. of Environmental Quality to expand recycling services in a public housing community and implement a composting program and execute any documents in accepting said finding.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Bailleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bailleson
City Clerk

424

RESOLUTION NO. 17-88

RESOLUTION PROPOSING APPROVAL A LICENSE AGREEMENT WITH USCOC OF GREATER NORTH CAROLINA LLC. (D/B/A US CELLULAR) FOR ANTENNAS AND RELATED EQUIPMENT ON CITY-OWNED REAL PROPERTY AT 166 RESERVOIR ROAD, DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LICENSE AGREEMENT IF NO OTHER BIDS ARE RECEIVED

WHEREAS, the City of Asheville is the owner of real property located at 166 Reservoir Road, formerly Upper White Fawn Reservoir; and

WHEREAS, USCOC of Greater North Carolina, LLC a telecommunications company, has offered to enter into a license agreement in order to operate antennas and related equipment on City property at 166 Reservoir Road; and

WHEREAS, per the proposed license agreement, USCOC of Greater North Carolina LLC has agreed upon an 18 year term of occupancy (structured as 1- 10 year term and two optional 4 year terms) and rental rate at the current fair market value of $55,032 per year, plus a 3.5% escalation rate of each year; and

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into license agreements for terms longer than 10 years by following any of the procedures authorized for the sale of real property such as upset bids; and

WHEREAS N. C. Gen. Stat. sec. 160A-269 provides for the sale of real property by negotiated offer, advertisement and upset bids; and

WHEREAS, the City Council of the City of Asheville proposes to accept/approve the license agreement and the aforementioned terms, subject to the upset bid process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Clerk is hereby directed to publish a notice of intent of the City of Asheville to license certain property at 166 Reservoir Road to USCOC of Greater North Carolina LLC, Inc. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder for the initial lease fee of $55,032. If no qualified competing bids are received during the ten day upset bid period, then the City manager is hereby authorized to execute the aforementioned license agreement with USCOC of Greater North Carolina LLC and any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 17-89

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2017-2018 TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, the City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2015-2019; and

WHEREAS, each year the City must submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Annual Action Plan detailing its proposed use of CDBG and HOME funds; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, for an Action Plan for fiscal year 2017-18; and

WHEREAS, three public hearings have been held to obtain citizen input and comments on the draft plan, including a public hearing in front of Council on May 9, 2017, and the draft plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the submission to HUD of the Consolidated Annual Action Plan for 2017-18 which is incorporated by reference as if fully set forth herein.

2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the Consolidated Action Plan.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowleson

426

RESOLUTION NO. 17-90

RESOLUTION APPOINTING CHAIR AND MEMBERS TO THE CIVIL SERVICE BOARD

WHEREAS, it is the responsibility of City Council to annually appoint the Chair of the Civil Service Board; and

WHEREAS, the term of the current Chair Alan Coxie expires on June 28, 2017; and

WHEREAS, the terms of Alan Escovitz and Carol Goins, as members on the Civil Service Board, expire May 21, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Alan Coxie, Post Office Box 1261, Asheville, N.C., be and he is hereby reappointed as Chairman of the Civil Service Board to serve a one-year term until his successor is duly appointed or until his term on the Civil Service Board expires, whichever occurs first.

Mr. Alan Escovitz, 102 Macon Avenue, Asheville, N.C., be and he is hereby reappointed as a member of the Civil Service Board to serve an additional two-year term, term to expire May 21, 2019, or until his successor is appointed.

Ms. Carol Goins, 17 Rocking Porch Road, Asheville, N.C., be and she is hereby reappointed as a member of the Civil Service Board to serve an additional two-year term, term to expire May 21, 2019, or until her successor is appointed.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 17-91

RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, Ms. Allison Bond, representing the veterans' administration on the Homeless Initiative Advisory Committee, resigned, thus leaving an expired term until November 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Whitney Lott, 2 Gosling Court, Biltmore Lake, N.C., be and she is hereby appointed as a member to the Homeless Initiative Advisory Committee (representing the veterans' administration), to serve the unexpired term of Ms. Bond, term to expire November 1, 2018, or until her successor has been appointed.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Bullerson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullerson
City Clerk

428

RESOLUTION NO. 17 - 92

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN UNITED STATES GEOLOGICAL SURVEY APPLICATION TO NAME CREEK IN RIVER ARTS DISTRICT "BACOATE BRANCH"

WHEREAS, the City of Asheville believes that a transparent, well-researched and community driven process was performed by RiverLink in efforts to name this creek; and

WHEREAS, the City of Asheville has received a recommendation from the Asheville Area River Redevelopment Commission to support "Bacoate Branch" as the name for this tributary of the French Broad River: and

WHEREAS, the City of Asheville recognizes that a local government official must sign the United States Geologic Survey (USGS) form in order for the community's efforts to be successful;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ASHEVILLE NORTH CAROLINA THAT:

The City Council authorizes the City Manager to sign the USGS form certifying support for the naming of the creek in the River Arts District that runs through the district and the adjoining neighborhood into the French Broad River as "Bacoate Branch" and to execute any other documents necessary to effect this resolution.

Read, approved and adopted this 23rd day of May, 2017.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 17 - 93

RESOLUTION AUTHORIZING THE CITY MANAGER TO RENAME THE CLINGMAN FOREST GREENWAY AS BACOATE BRANCH GREENWAY

WHEREAS, the City of Asheville received a request from the WECAN Neighborhood Association, River Arts Business Association (RADBA) and River Arts District Association (RADA) to change the name of Clingman Forest Greenway to Bacoate Branch Greenway; and

WHEREAS, the City of Asheville has received a recommendation from the Asheville Greenway Committee, Riverfront Redevelopment Commission and Multimodal Transportation Commission to support "Bacoate Branch Greenway" as the rename for this greenway: and

WHEREAS, the City of Asheville recognizes our name changing policy has been followed in the process to suggest this name change; and

WHEREAS, greenway corridors within the Asheville Greenway Master Plan are named after natural features in their proximity and this name change request reflects this;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ASHEVILLE NORTH CAROLINA THAT:

The City Council authorizes the City Manager to take all actions necessary including execution of documents, to rename "Clingman Forest Greenway" to "Bacoate Branch Greenway".

Read, approved and adopted this 23rd day of May, 2017.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

430

RESOLUTION NO. 17-94

RESOLUTION ADOPTING THE 2017 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council will hold a worksession on Living Asheville Comprehensive Plan on Tuesday, June 27, 2017, at 3:00 p.m. in the First Floor North Conference Room of City Hall, Asheville, N.C.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 23rd day of May, 2017.

Magdalen Bowlson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-95

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH MOUNTAIN ENVIRONMENTAL FOR THE 14 RIVERSIDE DRIVE PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G S. § 143-129, A request for qualifications were solicited for the project known as 14 Riverside Drive construction, City of Asheville Project # ED-14-15-001; and

WHEREAS, Mountain Environmental Services Inc. of Canton, NC was the lowest responsible and responsive bidder, in the amount of $33,220, and

WHEREAS, the project involves the removal of contaminated soil from multiple work areas in the River Arts District; and

WHEREAS, the amount of contaminated soil exceeded the original estimates for the contracted work; and

WHEREAS, the total cost of the soil removal work exceeded the contracted amount and previous change order by $33,136.64;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a change order increasing the contract with Mountain Environmental by $33,136.64 for the 14 Riverside Drive Project.

Read, approved and adopted this the 23rd day of May, 2017.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 17-96

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS TO MODIFY AN EXISTING EASEMENT AGREEMENT FOR A WATERLINE AT 30 MANDERLEY WAY, PIN 9644-15-1434

WHEREAS, the City has a waterline easement at 30 Manderley Way and a portion of the easement extends into the footprint of the house; and

WHEREAS, the City has no need to reserve that portion of the easement for municipal use and is willing to modify the existing easement to benefit the property owner of 30 Manderley Way; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to modify its interest or claims to real property located at 30 Manderley Way, PIN 9644-15-1434 to the property owner.

Read, approved and adopted this 23rd day of May, 2017.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 17-97

RESOLUTION IN SUPPORT OF NC SB 85 AND HB 102 RATIFYING THE EQUAL RIGHTS AMENDMENT ("ERA") AND THE US CONGRESS HOUSE JOINT RESOLUTION 53 TO REMOVE THE DEADLINE FOR ERA RATIFICATION

WHEREAS, the City of Asheville supports equal rights for the citizens of Asheville and women constitute approximately 53% of the citizenry of Asheville; and

WHEREAS, women continue to confront a lack of political parity, workplace discrimination, health care inequities, disparate rates of poverty, rape and domestic violence assaults; and

WHEREAS, in 1972, the US Congress adopted the Equal Rights Amendment ("ERA") to the US Constitution designed to guarantee equal rights for all citizens regardless of gender which required approval by legislatures in three-fourths (38) of the 50 states; and

WHEREAS, the ERA was approved by 35 of the 38 states necessary to amend the US Constitution; and

WHEREAS, the deadline for ratification of the ERA is assumed to have expired in 1982; however, Nevada approved the ERA in March of 2017, becoming the 36th state of the 38 states needed for ratification; and

WHEREAS, in January of 2017, United States House Representatives G.K. Butterfield, David Price, and Alma Adams, representing North Carolina, co-sponsored House Joint Resolution 53 which would remove the ERA ratification deadline; and

WHEREAS, in February of 2017, North Carolina Senators Floyd B. McKissick, Jr. and Terry Van Duyn co-sponsored SB 85 and North Carolina Representatives Carla Cunningham, Susan Fisher, John Ager, and Brian Turner co-sponsored HB 102 which would ratify the ERA; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville supports the adoption of US Congress House Joint Resolution 53 to remove the time limit for ratification of the ERA.

2. The City of Asheville supports the adoption of North Carolina SB 85 and HB 102 to ratify the ERA.

Read, approved and adopted this 23rd day of May, 2017.

Magdalen Bulleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 17-98

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING, INC. FOR THE PROJECT KNOWN AS FY 17 ASPHALT PAVING IMPROVEMENTS – RESURFACING

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY. 17 Asphalt Paving Improvements - Resurfacing, City of Asheville Project # ST-16-17-005; and

WHEREAS French Broad Paving, Inc. of Marshall, NC was the lowest responsible bidder for the project, and

WHEREAS French Broad Paving, Inc. shall provide all labor, materials and equipment for the installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, ADA Ramps and Full Depth Pavement Repair; and

WHEREAS, the amount of the agreement is $1,493,980.74 and the monies have been budgeted in the Capital Projects 2016-2017 Fiscal Year Budget; and

WHEREAS; the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $1,493,980.74 plus a contingency $224,097 (15%) with French Broad Paving, Inc. for the project known as FY 17 Asphalt Paving Improvements - Resurfacing, City of Asheville Project # ST-16-17-005.

Read, approved and adopted this the 23rd day of May, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 17-99

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER FOR THE WATER SYSTEM MASTER PLAN UPDATE

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, on July 1, 2016, the City issued a Request for Qualifications for the Water System Master Plan Update Project; and

WHEREAS, the project includes, but is not limited to: a hydraulic model update, field tests, model calibration, evaluation of the existing system, population and demand projections, evaluation of the future system, master plan report and training, project administration, and other optional services as needed; and

WHEREAS, the proposals have been reviewed by the Water Resources Department with staff recommending approval of the proposal from Hazen and Sawyer; and

WHEREAS, the monies are allocated within the Water Resources Department's Capital Improvements Project (CIP) Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a professional services agreement with Hazen and Sawyer for the Water System Master Plan Update for the proposal amount of $475,300 plus a contingency of $95,060 for a total of $570,360 and further authorized to execute any change orders to said contract or documents which may arise during said project up to the project's budgeted amount.

Read, approved and adopted this 23rd day of May, 2017.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

436

RESOLUTION NO. 17- 100

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT MOUNTAIN SPORTS FESTIVAL ON THE DATES FRIDAY, MAY 26, 2017 FROM 4:00 PM – 10:00 PM, SATURDAY, MAY 27, 2017 FROM 10:00 AM – 10:00 PM AND SUNDAY, MAY 28, 2017 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Mountain Sports Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Mountain Sports Festival event area, as set forth in Exhibit A, attached.

   The Mountain Sports Festival event area is within the boundaries of Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Mountain Sports Festival on Friday, May 26, 2017 from 4:00 p.m. – 10:00 p.m., Saturday, May 27, 2017 from 10:00 a.m. – 10:00 p.m. and Sunday, May 28, 2017 from 12:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Mountain Sports Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Mountain Sports Festival event

area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Mountain Sports Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 23rd day of May, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

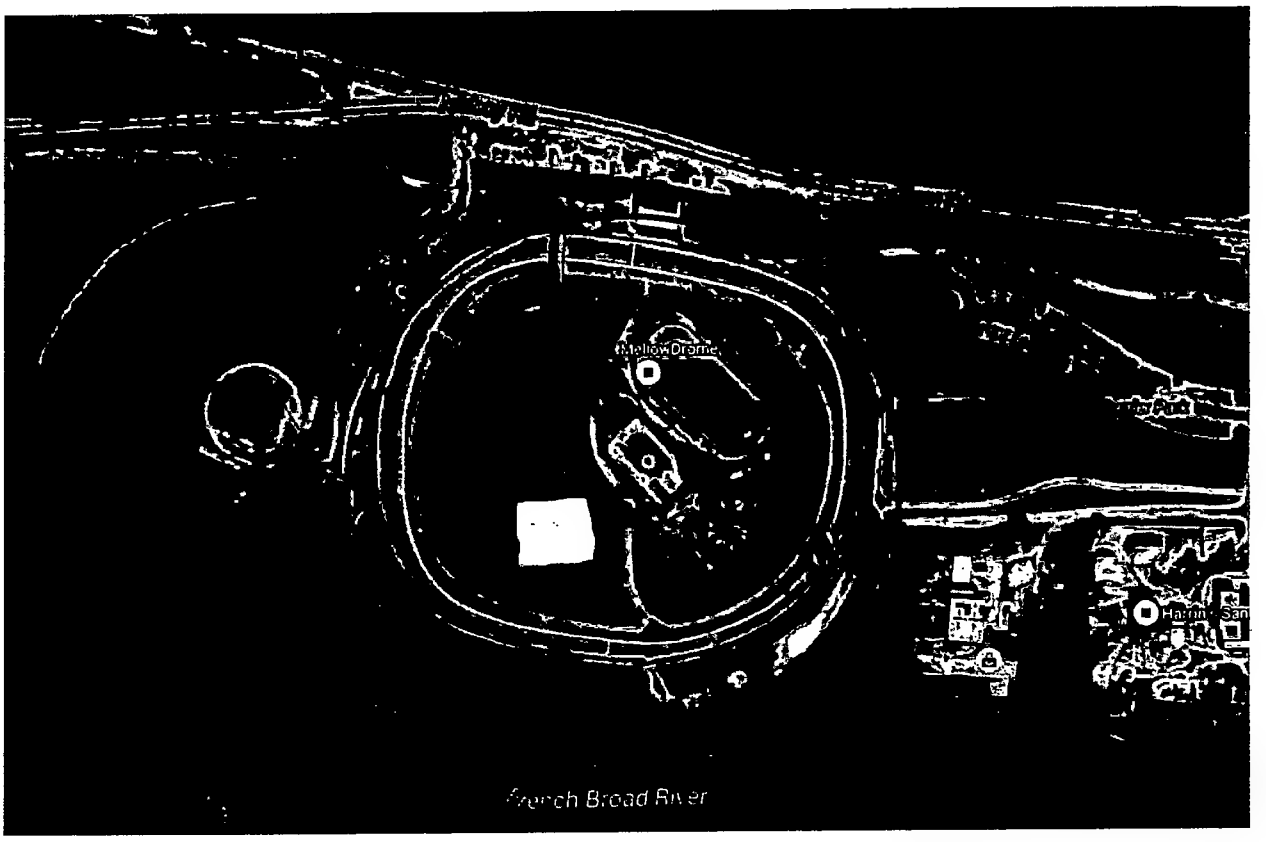
Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

438

EXHIBIT A



RESOLUTION NO. 17- 101

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR ASTON PARK, 338 HILLIARD AVE. (KASSINGER DEVELOPMENT GROUP)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Aston Park development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, at its meeting on June 13, 2017, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and Kassinger Development Group for the Aston Park development; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The public hearing to consider a land use incentive grant for the Aston Park development is hereby set on June 13, 2017, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 23rd day of May, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

440

RESOLUTION NO. 17-102

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE GROUND LESSOR'S ESTOPPEL CERTIFICATE AND AMENDMENT TO GROUND LEASE FOR GARAGE/RETAIL COMPLEX AT PACK PLACE RELATED TO LEASE ASSIGNMENT AND REFINANCING

WHEREAS, the City is authorized pursuant to Article 22 of Chapter 160A of the North Carolina General Statutes to engage in redevelopment activities within the City, including ownership and leasing of real property; and

WHEREAS, the City is the owner of certain real property described in a Ground Lease dated February 16, 1987, on which property has been constructed by Lessee, a parking garage facility and commercial space; and

WHEREAS, as Lessor under the Ground Lease, the City is required to execute appropriate instruments to assist the Lessee in obtaining financing, upon the Lessee's making certain certifications and subject to certain conditions and limitations; and

WHEREAS, in connection with a proposed Assignment of the Leasehold interest in the Ground Lease from Pack Square Investors II, LLC to Pack Square Property, LLC ("New Lessee") and associated refinancing, the New Lessee has requested the City to execute certain documents;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Ground Lessor's Estoppel Certificate and Amendment to Ground Lease, or such other instrument, now or in the future, as may be appropriate to meet the City's responsibility under the 1987 Ground Lease with respect to the Lessee's refinancing, subject to approval by the City Attorney,

Read, approved and adopted this 23rd day of May, 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

NO. 17- 103

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SURFACE 678 FOR THE PROJECT KNOWN AS ASHEVILLE PARKS PLAYGROUND UPGRADES/RENOVATIONS

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City to award a contract to Surface 678 for the design services for the Asheville Parks Playground Upgrades/Renovations; and

WHEREAS, Surface 678 was chosen through a qualifications based selection process as the most qualified to perform the design services; and

WHEREAS, Surface 678 presented a scope of work and fee proposal for professional services associated with the Asheville Parks Playground Upgrades/Renovations project and will provide full design services, bidding administration, and contract administration/reporting; and

WHEREAS, the project aligns with the City Council 2036 Vision in the following ways: (1) It supports a smart city by maintaining and investing in the City's infrastructure; and (2) it supports a well-planned and livable community through the investment in parks and open-spaces; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Surface 678, PA to provide design services for Asheville Parks Playground Upgrades/Renovations for an amount not to exceed $190,000 and further authorizing the execution of any change orders to said contract which may arise during execution of said project..

Read, approved and adopted this the 23th day of May, 2017.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

442.

RESOLUTION NO. 17-104

RESOLUTION OF THE ASHEVILLE CITY COUNCIL SUPPORTING A STATE GOAL OF 100% RENEWABLE ENERGY BY 2050, INCREASED PROTECTION FOR STANDING FORESTS, AND THE CREATION OF GREEN JOBS

Whereas, climate change has increased the global average surface temperature by 1.00 degrees Celsius (1.8 degrees Fahrenheit) since 1880; Whereas, climate change is expected to increasingly impact North Carolina's temperatures, precipitation and sea level with harmful consequences in coming years;

Whereas, climate change and global average temperature increases are primarily due to human-caused fossil fuels emissions, including coal, oil and natural gas, according to the United Nations Intergovernmental Panel on Climate Change, National Academy of Sciences, American Meteorological Society, United States Environmental Protection Agency, United States Department of Defense, and numerous other leading scientific, academic and governmental authorities both in the United States and internationally;

Whereas, a final agreement of the United Nations Conference of Parties, which included the United States and 195 other nations, was reached in Paris, France on December 12, 2015, and states the aim of "holding the increase in the global average temperature to well below 2 degrees Celsius above preindustrial levels and pursuing efforts to limit the temperature increase to 1.5 degrees Celsius above preindustrial levels" and entered into force on November 4, 2016;

Whereas, scientists have concluded the concentration of carbon dioxide, the leading greenhouse gas, in the Earth's atmosphere is currently and consistently over 400 parts per million (ppm) and will likely stay above this level for the indefinite future for the first time in millions of years;

Whereas, sixteen of the seventeen hottest years on record have occurred in the twenty-first century and 2016 is the hottest year on record;

Whereas, an increase in the global average temperature is having and will continue to increasingly have major adverse impacts, if not stopped by eliminating the use of fossil fuels, on both the natural and human-made environments due to longer, more intense heat waves, prolonged droughts, spread of infectious diseases, rising sea levels, ocean acidification, wildfires, and more intense and frequent extreme weather events;

Whereas, these physical effects are expected to lead to water scarcity, food insecurity, increasing numbers of refugees, increased poverty, and the mass extinction of species;

Whereas, studies completed by the International Monetary Fund (IMF), the Risky Business Project, Duke University, and others point to the severe economic costs of climate change and continuing use of fossil fuel, estimating billions of dollars a year in costs nationally and trillions globally;

Whereas, leading economists, policy experts, and business leaders conclude that transitioning to a clean energy economy available for all would create millions of green jobs nationally, improve health and living standards, and boost economic growth in coming years;

Whereas, low-income communities and communities of color are inordinately exposed to pollution from fossil fuels, which causes serious health problems such as cancer and asthma, and need to be empowered and have access to educational tools and an awareness of climate issues;

Whereas, a Stanford University and University of California-Berkeley study concludes the United States energy supply could be based entirely on renewable energy by the year 2050 using current technologies and 80% renewable energy by 2030 while creating numerous green jobs;

Whereas, municipalities, organizations, businesses, and academic institutions throughout the world have set a goal to achieve carbon or climate neutrality by 2050 or earlier;

Whereas, over 1,000 mayors have joined the U.S. Conference of Mayors Climate Protection Agreement since 2005 to commit to significantly reduce carbon emissions in their cities to combat climate change;

Whereas, over 600 American colleges and universities have made a commitment to reduce greenhouse gases, including many in North Carolina;

Whereas, addressing the impacts of a changing climate will require major forest protection and restoration efforts focused on leaving significantly more forests across the planet standing, including in the Southeast US, which has some of the highest logging rates in the world and;

Whereas, North Carolina ranks second nationally for installing 3,015 MW total of solar capacity (about half of which being installed in the past 2 years: 1,140 in 2015 and an additional 943 in 2016); nearly $1.7 billion was invested on solar installations in North Carolina in 2015 and a similar amount in 2016, which represents a 159% increase over 2014; there are currently more than 200 solar companies at work throughout the value chain in North Carolina, the state companies employing some 6,000 people; North Carolina ranks third in the nation in installed solar capacity, enough to power 260,000 homes; and solar photovoltaic system prices in the U.S. have dropped by 66% since 2010;

Whereas, North Carolina has more offshore wind energy potential than any other Atlantic state;

Whereas, the industrial scale use of forests for fuel is not a carbon neutral form of energy, and will contribute to the rate of climate change and severity of its impacts, and;

Whereas, the Intergovernmental Panel on Climate Change Fifth Assessment Report recommended a global goal of achieving near zero greenhouse gas emissions or below, which is necessary to stabilize the global average temperature to avoid climate catastrophe;

Whereas, the City of Asheville has a long-established carbon reduction goal of 80% by 2050 and is ahead of schedule in meeting that goal;

Whereas, the City of Asheville is working closely with Buncombe County and Duke Energy to reduce the region's reliance on fossil fuel generation and avoid or delay construction of a new 190-MW gas-fired generating unit through the Energy Innovation Task Force;

NOW, THEREFORE, BE IT RESOLVED by the Asheville City Council that it endorses the following:

SECTION 1. The State of North Carolina and the United States shall establish a transition from a fossil fuel-based economy and infrastructure to a 100% renewable energy for an all energy sectors-

based economy, while increasing protections that keep forests standing, by January 1, 2050 or sooner to avoid climate catastrophe, to promote job creation and economic growth, and to protect the Earth for current and future generations from climate catastrophe.

SECTION 2. This resolution is effective upon adoption.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bouleson
City Clerk

Ann E. Mackin
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 17-105

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT FOR PROJECT NO. 3-37-0005-049-2017

WHEREAS, the City of Asheville has the authority pursuant to G. S. 160A-17.1 to apply for and receive grants from the federal government, and to enter into agreements as to the administration of such grants; and

WHEREAS, the Federal Aviation Administration ("FAA") has offered a grant agreement to the Asheville Regional Airport Authority in an amount of $18,200,000 for the following: rehabilitate runway (Phase 7 Paving, Lighting and NAVAIDs Installation, Permanent Runway 17/35); and

WHEREAS, the City of Asheville and the County of Buncombe are co-sponsors of the grant agreement; and

WHEREAS, the FAA requires each sponsor to execute said grant agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor be and is hereby authorized to execute the FAA Grant Agreement for Project No. 3-37-0005-049-2017 in an amount of $18,200,000.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

446

RESOLUTION NO. 17-106

RESOLUTION NAMING CITY OF ASHEVILLE FIRE STATION NUMBER NINE IN MEMORY OF FIREFIGHTER GRADY DOCK WILSON, SR.

WHEREAS, the City of Asheville has a policy for naming City of Asheville Facilities, and

WHEREAS, City of Asheville Firefighter Grady Dock Wilson, Sr. tragically lost his life on June 28th, 1948, while on duty at the original Fire Station 3 on Haywood Road, and

WHEREAS, Asheville City Council would like to honor Firefighter Grady D. Wilson's honorable service and sacrifice by naming City of Asheville Fire Station Nine after him;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City of Asheville Fire Station 9 located at 749 Fairview Road is named in memory of City of Asheville Firefighter Grady D. Wilson, Sr.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bowlson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-107

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT WITH BROWN AND CALDWELL FOR THE SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA)/SOFTWARE UPDATES FOR THE WATER TREATMENT PLANTS

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Brown and Caldwell was one of three firms selected by Staff via a Request for Qualifications (RFQ) process to perform On-call Professional Engineering Services for Water Treatment Plant Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with Brown and Caldwell on June 10, 2015, for On-Call Professional Services for Water Treatment Plant Projects; and

WHEREAS, the Professional Engineering Services for the Supervisory Control And Data Acquisition (SCADA)/Software Updates for Water Treatment Plants will be part of a Supplemental Agreement under aforesaid Master Agreement with Brown and Caldwell in the amount of $140,946;

WHEREAS, the monies will be funded from the Water Resources Department Software Updates/HMI Capital Improvement Project.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a professional engineering services supplemental agreement with Brown and Caldwell for the SCADA / Software Updates for Water Treatment Plants Project in the amount of $140,946.00 and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 17-108

RESOLUTION AUTHORIZING THE HYDROPLUS, INC., FUSEGATE SYSTEM AS A PREFERRED BRAND ITEM FOR THE NORTH FORK SPILLWAY AND EMBANKMENT IMPROVEMENTS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, the Water Resources Department's North Fork Spillway and Embankment Improvements Project ("Project") is ready to bid and will include: (1) raising the dam by four feet; (2) improvements to the principal spillway and the addition of an auxiliary spillway; (3) modifications to the raw water piping through the dam and to the water treatment plant; and (4) earth buttressing to reinforce the main dam and saddle dam for seismic stability; and

WHEREAS, pursuant to N.C.G.S. § 133-3, the City of Asheville may specify a preferred brand item based on performance standards if the preferred item will provide cost savings, maintain or improve the functioning of any process or system affected by the preferred item, or both; and

WHEREAS, the City of Asheville Water Resources Department and the project engineers, Schnabel Engineering South, P.C., have evaluated the hydraulics and costs of different spillway options with the Hydroplus, Inc., Fusegate System being selected due to it providing a smaller footprint for excavation and construction, saving millions of dollars, providing a shorter duration of construction, and meeting the requirements of the NC Department of Environmental Quality Dam Safety Division as a passive system; and

WHEREAS, the Hydroplus, Inc., Fusegate System is the only one of its kind in the world and the preferred brand item by the Water Resources Department for the North Fork Spillway and Embankment Improvements Project based on its performance standards to function in its manner to release without mechanical, electrical, or human involvement and to allow for a smaller footprint than conventional passive systems, thereby reducing environmental impact, construction duration, and costs;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The written justification for the use of the Hydroplus, Inc., Fusegate System as the preferred brand item for the North Fork Spillway and Embankment Improvements Project is approved.
2. The attached specifications and performance standards for the Hydroplus, Inc., Fusegate System are approved for said Project.
3. The Hydroplus, Inc., Fusegate System is approved to add as an independent line item in the "Unit Price Work" Bid Form when the construction portion of the Project is bid.
4. The Memorandum from the project engineers, Schnabel Engineering South, P.C., and Hydroplus, Inc., Fusegate System specifications containing performance standards attached hereto as Exhibit "A" be recorded in the minutes of the City Council.

Read, approved and adopted this 13th day of June 2017.

Magdalen Bolleson
CITY CLERK

Edna E. Mark
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bolleson
City Clerk

EXHIBIT A

Schnabel ENGINEERING

SCHNABEL ENGINEERING SOUTH, P.C.
11A Oak Branch Drive
Greensboro, NC 27407
T/ 336-274-9456
F/ 336-274-9486

MEMORANDUM

TO:	Leslie Carreiro	**DATE:**	June 1, 2017
COMPANY:	City of Asheville (CoA)	**SUBJECT:**	Hydroplus Fusegates
ADDRESS:	N Fork Water Treatment Plant Black Mountain, NC	**PROJECT NAME/NO.:**	15821001.00
FROM:	Mark Landis, PE Schnabel	**CC:**	Audran Stephens, CoA

Schnabel Engineering (Schnabel) has been working with the City of Asheville (CoA) on evaluating/addressing dam safety deficiencies at the North Fork Dam in Black Mountain for the past 5 years. As part of these evaluations, we provided an alternatives analysis to address the outlet works conduit, the existing Tainter gates, seismic upgrades to the embankments, and additional spillway capacity to meet NCDEQ, Dam Safety requirements. Particular to the spillway capacity, Schnabel evaluated several options to evaluate spillway types and pros and cons for each alternative. In addition to evaluating the hydraulics and costs of different types of spillway options, we also considered the following:

- Environmental impact at the site
  - Location and size of excavation
  - Clearing of trees
  - Re-use of excavated materials in the new design
  - Duration of noise and work
  - No increase in flooding up to the 100-yr storm
- Operational Issues
  - Passive system (a person doesn't need to make a decision to raise a gate)
  - Gates can malfunction
  - Mechanical systems require more maintenance

Schnabel met with the Water Resources Director and the Water Production Division Manager several years ago in ranking each option. In doing so and considering the parameters listed above, a short-list of two systems was selected; a labyrinth spillway or a Fusegate system. It became apparent quickly that the Fusegate system provided a smaller footprint for excavation and construction, saved millions of dollars, provided a shorter duration of construction, and still met the requirements of Dam Safety as a passive system.

However, Fusegates are a proprietary and patented system by the company Hydroplus, Inc. of Tampa, Florida. Currently, we are not aware of any other company that makes a spillway system of equal operation, function, or "track record". At the time of the selection of the system between the CoA and Schnabel, we agreed to a

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sole source use so that we, Schnabel, could proceed with a design that would incorporate the Fusegate system. That has been accomplished and submitted to Dam Safety for approval. Implementing a different system into the geometric layout we have provided is not possible and would require a complete redesign for a different system. We were all aware of that when the decision was made to move forward with the Fusegate system.

I hope this clarifies the situation and appreciate your assistance.

Respectfully,

SIGNED: Mark E. Fiedler

Engineer of Record for the North Fork Embankment and Spillway Improvements Project, Schnabel Engineering

SECTION 35 11 13

STRUCTURAL CONCRETE FORMWORK FOR FUSEGATE STRUCTURES

PART 1 GENERAL

1.1 SUMMARY

A. This Section prescribes the materials and methods to be used in fabricating, erecting, and removing forms for cast-in-place concrete.

B. Related Sections:

1. Section 35 15 13 – Watertightness System for Fusegate Structures.
2. Section 35 31 01 – Cast-In-Place Structural Concrete for Fusegate Structures.
3. Section 35 70 00 – Mass Concrete for Ballast Concrete for Fusegate Structures.
4. Section 35 50 13 – Metal Fabrications for Fusegate Structures.

1.2 MEASUREMENT AND PAYMENT

A. The basis for measurement and payment is provided in Section 01 22 00 – Measurement and Payment.

1.3 REFERENCES

A. American Concrete Institute (ACI):

1. ACI 301 – Specifications for Structural Concrete.
2. ACI 318 – Building Code Requirements for Structural Concrete and Commentary.
3. ACI 347 – Guide to Formwork for Concrete.
4. ACI 350 – Code Requirements for Environmental Engineering Concrete Structures.

B. American Hardboard Association (AHA):

1. AHA A135.4 – Basic Hardboard.

C. APA – The Engineered Wood Association (APA):

1. APA PS 1 – Voluntary Product Standard for Construction and Industrial Plywood.

D. ASTM International (ASTM):

1. ASTM C1074 – Standard Practice for Estimating Concrete Strength by the Maturity Method.
2. ASTM C1077 – Standard Practice for Laboratories Testing Concrete and Concrete Aggregates for Use in Construction and Criteria for Laboratory Evaluation.
3. ASTM C31/C31M – Standard Practice for Making and Curing Concrete Test Specimens in the Field.
4. ASTM C39/C39M – Standard Test Method for Compressive Strength of Cylindrical Concrete Specimens.

1.4 SUBMITTALS

A. Meet the applicable requirements of Section 01 33 00 – Submittal Procedures.

B. Shop Drawings: Submit drawings showing details of formwork, including dimensions of fiber voids, joints, supports, studding and shoring, and sequence of form and shoring removal.

C. Product Data:

1. Design: Submit design analysis and calculations for form design and methodology used in the design.
2. Form Materials: Submit manufacturer's data including literature describing form materials, accessories, and form releasing agents.
3. Form Releasing Agents: Submit manufacturer's recommendation on method and rate of application of form releasing agents.

1.5 DESIGN REQUIREMENTS

A. Conform to the requirements of ACI 301 and the recommendations of ACI 347 to provide concrete finishes and tolerances specified in Section 35 31 01 – Cast-In-Place Structural Concrete for Fusegate Structures and Section 35 70 00 – Mass Concrete for Ballast Concrete for Fusegate Structures.

B. Design forms for full hydrostatic pressure when high range water reducer is used in the concrete mix.

C. Design formwork under direct supervision of a Professional Engineer experienced in the design of formwork and licensed in the State of North Carolina.

D. Make joints in forms watertight.

PART 2 PRODUCTS

2.1 FORM MATERIALS

A. Plywood: Douglas-Fir species; solid, one-side grade, sounds, undamaged sheets with straight edges.

B. Glass Fiber Fabric Reinforced Plastic Forms: Matched, tight fitting, stiffened to withstand the pressure resulting from placement and vibration of concrete without deflection detrimental to structural tolerances and appearance of finished concrete surface.

C. Lumber: Fir species; No. 2 grade or better, with grade stamp clearly visible.

D. Steel: Minimum 16 gauge sheet, well matched, tight fitting, undamaged, stiffened to withstand pressure resulting from placement and vibration of concrete without deflection detrimental to tolerances and appearance of finished surfaces.

2.2 FORMWORK ACCESSORIES

A. Form Ties:

1. Removable metal or fixed cone type; 3/4- or 1-inch break back dimension; free of defects that will leave holes larger than 1-inch diameter in concrete surface.
2. Include a swagged or integral metal washer or a neoprene washer in center of the tie to break surface continuity and minimize water seepage. Minimum size of washer shall be 1/16-inch thick by 15/16-inch outside diameter.
3. Wire form ties shall not be used.

B. Form Release Agent: Colorless material that will not stain concrete, absorb moisture, or impair natural bonding or color characteristics of concrete. Agents shall not impair subsequent treatment of concrete surfaces depending upon bond or adhesion nor impede the wetting of surfaces to be cured with water or curing compounds. If special form liners are to be used, the Contractor shall follow the recommendation of the form coating manufacturer.

C. Fillets for Chamfered Corners and All Exposed Edges: Wood strips or rigid plastic; 3/4-inch by 3/4-inch, unless otherwise shown on the Drawings.

D. Nails, Spikes, Lag Bolts, Through Bolts, and Anchorages: Sized as required, of strength and character to maintain formwork in place while placing concrete.

PART 3 EXECUTION

3.1 PREPARATION

A. Hand-trim sides and bottom of forms. Remove loose material prior to placing concrete.

B. Minimize form joints. Symmetrically align joints and make watertight to prevent leakage of mortar.

C. Tape, gasket, plug, or caulk joints, gaps, and apertures in forms so joints will be watertight and resist concrete pressure without bulging.

D. Arrange and assemble formwork to permit stripping so that concrete is not damaged during form removal.

E. Arrange forms to allow stripping without removal of principal shoring, where required to remain in place.

3.2 ERECTION

A. Provide bracing to ensure stability of formwork. Strengthen formwork liable to be overstressed by construction loads.

B. Provide temporary ports in formwork to facilitate cleaning and inspection. Locate openings at bottom of forms to allow flushing of water to drain. Close ports with tight fitting panels, flush with inside face of forms, neatly fitted so that joints will not be apparent in exposed concrete surfaces.

C. All exposed joints, edges and external corners shall be chamfered by molding placed in the forms unless the Drawings specifically state that chamfering is to be omitted or as otherwise specified.

D. Construct formwork to maintain tolerances in accordance with Section 35 31 01 – Cast-In-Place Structural Concrete for Fusegate Structures and Section 35 70 00 – Mass Concrete for Ballast Concrete for Fusegate Structures.

3.3 CLEANING

A. Thoroughly clean form surfaces to remove foreign matter as erection proceeds, and before application of form release agent.

B. Ensure that water and debris drain to exterior through cleanout ports.

C. During cold weather, remove ice and snow from forms. Do not use de-icing salts. Do not use water to clean out completed forms unless formwork and construction proceed within heated enclosure. Use compressed air to remove foreign matter.

3.4 INSERTS, EMBEDDED ITEMS, AND OPENINGS

A. Provide formed opening where required for work embedded in or passing through concrete.

B. Coordinate work of other sections in forming and setting openings, slots, recesses, chases, sleeves, bolts, anchors, and other inserts or embedded items.

C. Install accessories in accordance with manufacturer's instructions, level and plumb. Brace and anchor accessories so they will not move during concrete placement.

3.5 COATING

A. Apply form release agent in accordance with manufacturer's instructions. Apply prior to placing reinforcing steel, anchoring devices, and embedded items.

B. Do not apply form release agent where concrete surfaces are scheduled to receive special finishes that may be affected by the agent.

C. Surplus coating on form surfaces and coating on reinforcing steel and construction joints shall be removed before placing concrete.

D. Where wood forms are used and form release agent is not used, soak contact surfaces with clean water to prevent absorption of water from concrete. Keep surfaces wet prior to placing concrete.

E. Place concrete within 14 days after form release agent is applied to form. If concrete is not placed within 14 days, remove forms and re-apply form release agent.

3.6 FORM REMOVAL

A. Notify Engineer prior to removing formwork.

B. The Contractor shall submit a method statement describing how the formwork will be removed after concreting the Fusegates. The minimal time required for concrete to reach a strength adequate for removal of formwork without risking the safety of workers or the quality of the concrete depends on a number of factors including, but not limited to, ambient temperature, concrete lift heights, type and amount of concrete admixture, and type and amount of cementitious material in the concrete. It is the responsibility of the Contractor to consider all applicable factors and leave the forms in place until it is safe to remove them. In any case, forms shall not be removed unless the minimum compressive strength requirements below are met, except as otherwise directed or specifically authorized. When conditions are such as to justify the requirement, forms will be required to remain in place for a longer period. All removal shall be accomplished in a manner which will prevent damage to the concrete and ensure the complete safety of the structure. Where forms support more than one element, the forms shall not be removed until the form removal criteria are met by all supported elements. Evidence that concrete has gained sufficient strength to permit removal of the forms shall be determined by tests on control cylinders. All control cylinders shall be stored in the structure or as near to the structure as possible so they receive the same curing conditions and protection methods as given those portions of the structure they represent. Control cylinders shall be removed from the molds at an age of no more than 24 hours. All control cylinders shall be prepared and tested in accordance with ASTM C31/C31M and ASTM C39/C39M at the expense of the Contractor, by an independent laboratory that complies with ASTM C1077 and shall be tested within 4 hours after removal from the site. After obtaining approval, the Contractor may use maturity instrumentation instead of control cylinders to determine the compressive strength of the concrete. ASTM C1074 procedures shall be used for estimating concrete strength by means of the maturity method. All expenses associated with instrumenting the concrete and evaluating the strength using maturity relationships shall be the responsibility of the Contractor.

C. Formwork Not Supporting Weight of Concrete: Formwork for walls, gravity structures, and other vertical type formwork not supporting the weight of concrete shall not be removed in less than 24 hours after concrete placement is completed.

D. Formwork Supporting Weight of Concrete: Formwork supporting the weight of concrete and shoring shall not be removed until structural members have acquired sufficient strength to safely support their own weight and any construction or superimposed loads to which the supported concrete may be subjected. As a minimum, forms shall be left in place until concrete test cylinders indicate evidence the concrete has attained at least 70 percent of the compressive strength required for the structure in accordance with the quality and location requirements.

3.7 INSPECTION

A. Verify lines, levels, and measurements before proceeding with formwork.

B. Forms and embedded items shall be inspected in sufficient time prior to each concrete placement by the Contractor in order to verify that they are ready to receive concrete. The results of each inspection shall be reported in writing to the Engineer.

END OF SECTION

SECTION 35 15 13

WATERTIGHTNESS SYSTEM FOR FUSEGATE STRUCTURES

PART 1 GENERAL

1.1 SUMMARY

A. This Section addresses the shop drawings, fabrication, and placement of the watertightness system, including seals, seal hardware, and waterstops for the Fusegate Structures.

1.2 MEASUREMENT AND PAYMENT

A. The basis for measurement and payment is provided in Section 01 22 00 – Measurement and Payment.

B. Related Sections:

1. Section 35 11 13 – Concrete Forming for Fusegate Structures.
2. Section 35 31 01 – Cast-In-Place Structural Concrete for Fusegate Structures.
3. Section 35 70 00 – Mass Concrete for Ballast Concrete for Fusegate Structures.
4. Section 35 50 13 – Metal Fabrications for Fusegate Structures.

1.3 REFERENCES

A. ASTM International (ASTM):

1. ASTM A276 – (2010) Standard Specification for Stainless Steel Bars and Shapes.
2. ASTM D1149 – (2007) Standard Test Method for Rubber Deterioration - Surface Ozone Cracking in a Chamber.
3. ASTM D1751 – (2004; R 2008) Standard Specification for Preformed Expansion Joint Filler for Concrete Paving and Structural Construction (Nonextruding and Resilient Bituminous Types).
4. ASTM D1752 – (2004a; R 2008) Standard Specification for Preformed Sponge Rubber Cork and Recycled PVC Expansion.
5. ASTM D2240 – (2005; R 2010) Standard Test Method for Rubber Property - Durometer Hardness.
6. ASTM D297 – (1993; R 2006) Rubber Products - Chemical Analysis.
7. ASTM D412 – (2006ae2) Standard Test Methods for Vulcanized Rubber and Thermoplastic Elastomers – Tension.
8. ASTM D471 – (2010) Standard Test Method for Rubber Property - Effect of Liquids.
9. ASTM D624 – (2000; R 2007) Tear Strength of Conventional Vulcanized Rubber and Thermoplastic Elastomers.

B. US Army Corps of Engineers (COE):

1. COE CRD-C 513 – (1974) Corps of Engineers Specifications for Rubber Waterstops.
2. COE CRD-C 572 – (1974) Corps of Engineers Specifications for Polyvinylchloride Waterstops.

1.4 SUBMITTALS

A. Meet the applicable requirements of Section 01 33 00 – Submittal Procedures.

B. Shop Drawings:

1. Submit shop, fabrication, and installation drawings for seals provided by the manufacturer or prepared by the Contractor for review by the Engineer, including:
   a. Seal type and size.
   b. Seal lengths and splicing details.
   c. Placement location and instructions.
2. Review of shop drawings will be for seal size, placement, and general detail only, excluding quantities, lengths, and fit of materials.
3. Reproductions of Contract Drawings shall not be used for shop drawings.

C. Product Data:

1. Submit manufacturer's literature, including safety data sheets, for sealants; preformed compression rubber seals; and waterstops.
2. Submit manufacturer's recommended instructions for installing sealants; preformed compression rubber seals; and waterstops; and for splicing non-metallic waterstops.

D. Samples:

1. Submit sample specimens for rubber seals and waterstops, identified to indicate manufacturer, type of material, size, quantity of material, and shipment or lot represented. Each sample shall be a piece not less than 12 inches long. One splice sample is required of each size and type for every 50 splices made in the factory and every 10 splices made at the job site. The splice samples shall be made using straight run pieces with the splice located at the mid-length of the sample and finished as required for the installed waterstop. The total length of each splice shall be not less than 12 inches long.

E. Certificates:

1. Submit certificates of compliance for rubber seals, sealants, and waterstops, stating that the materials conform to the requirements specified.

1.5 DELIVERY AND STORAGE

Material delivered and placed in storage shall be stored off the ground and protected from moisture, dirt, and other contaminants. Sealants shall be delivered in the manufacturer's original unopened containers. Sealants whose shelf life has expired shall be removed from the site.

PART 2 PRODUCTS

2.1 PREFORMED EXPANSION JOINT FILLER

Expansion joint filler shall be preformed material conforming to ASTM D1751 or ASTM D1752. Unless otherwise indicated, filler material shall be 3/8-inch thick and of a width applicable for the joint formed.

2.2 SEALS

A. Rubber Seals: Watertightness seals shall be manufactured from virgin material; reclaimed material is not acceptable. The seals shall be manufactured from EPDM or Neoprene with the following properties:

1. Shore Hardness, ASTM D2240: 55 to 65.
2. Tensile Strength, ASTM D412: 2250 psi minimum.
3. Thickness Tolerance, ASTM D412: Plus or minus 2 percent.
4. Specific Gravity, ASTM D297: 1.20, plus or minus 0.05.
5. Tensile Strength at 300 percent Elongation ASTM D412: 600 psi minimum.
6. Elongation, ASTM D412: 300 percent minimum.
7. Tear Resistance, Die C, ASTM D624: 180 pound force per inch minimum.
8. Ozone Resistance, ASTM D1149: No cracks, - 50 pphm - 100 degrees F, 20 percent elongation.
9. Heat Resistance, -55 degrees Celsius to 145 degrees Celsius.

2.3 SEALANT

Joint sealant shall be an MS Polymer adhesive and shall have the following properties: Excellent UV resistance; can be applied to wet surfaces without loss of adhesion; has a specific gravity of 1.4 g/ml; has a tensile strength of 2.6 MPa; has a shear strength of 2.5 MPa; and has a temperature resistance range of -40 degrees Celsius to 120 degrees Celsius. Sealant shall remain bonded to concrete when inundated for long periods of time. Suggested product is Kent Rotabond 2000 or approved equivalent.

2.4 ANCHOR BOLTS

Anchors, washers, bolts and nuts for seal system shall be stainless steel Type 304 conforming to ASTM A276. Epoxy-Resin Grout adhesive system shall be a proprietary system produced by a manufacturer of epoxy anchor systems, submerged application, equivalent to strengths obtained with Simpson SET Epoxy-Tie Adhesive system, by Simpson Strong-Tie Anchor Systems, Columbus, Ohio, or Hilti HVA HIT HY 200 Epoxy Adhesive Anchors, by Hilti North America.

Anti-seize compound for Stainless steel threaded parts: Loctite 77124 Nickel Anti Seize Lubricant or equivalent.

2.5 WATERSTOPS

Intersection and change of direction waterstops shall be shop fabricated.

A. Non-Metallic Materials: Non-metallic waterstops shall be manufactured from a prime virgin resin; reclaimed material is not acceptable. The compound shall contain plasticizers, stabilizers, and other additives to meet specified requirements. Rubber waterstops shall conform to COE CRD-C 513. Polyvinylchloride waterstops shall conform to COE CRD-C 572. Thermoplastic elastomeric rubber waterstops shall conform to ASTM D471.

B. Non-Metallic Hydrophilic: Swellable strip type compound of polymer modified chloroprene rubber that swells upon contact with water shall conform to ASTM D 412 as follows: tensile strength 420 psi minimum; ultimate elongation 600 percent minimum.

Hardness shall be 50 minimum on the Type A durometer and the volumetric expansion ratio in distilled water at 70 degrees F shall be 3 to 1 minimum.

PART 3 EXECUTION

3.1 JOINTS

Joints shall be installed at locations indicated and as authorized.

3.2 SEALS, INSTALLATION AND SPLICES

Seals shall be installed at the locations shown to form a continuous water-tight diaphragm. Continuous beads of polyurethane caulking shall be placed under every seal before installation. Adequate provision shall be made to support and completely protect the seals during the progress of the work.

A. Seals: Fittings shall be shop made using a machine specifically designed to mechanically weld the seal. A miter guide, proper fixturing (profile dependent), and portable power saw shall be used to miter cut the ends to be joined to ensure good alignment and contact between joined surfaces. The splicing of straight lengths shall be done by squaring the ends to be joined. Continuity of the characteristic features of the cross section of the seal (ribs, tabular center axis, protrusions, etc.) shall be maintained across the splice.

1. Rubber Seal: Rubber seals will be monolithic and all splices shall be vulcanized as recommended by the manufacturer.

   a. Seal splicing defects, which are unacceptable include, but are not limited to the following:

      1) Tensile strength less than 80 percent of parent section.
      2) Free lap joints.
      3) Misalignment of centerbulb, ribs, and end bulbs greater than 1/16 inch.
      4) Misalignment which reduces waterstop cross section more than 10 percent.
      5) Bond failure at joint deeper than 1/16 inch or 10 percent of material thickness.
      6) Visible porosity in the weld area, including pin holes.
      7) Charred or burnt material.
      8) Bubbles or inadequate bonding.
      9) Visible signs of splice separation when cooled splice is bent by hand at a sharp angle.

B. Side Seal Retainer: Side Seal Retainer (SSR) is adjusted in position by bolting though oblong holes. The procedure is in the following order:

1. Vertical watertightness system is fixed,
2. SSR is adjusted to be in contact with the rubber seal, and
3. Horizontal rubber seal length is adjusted and fixed.

Anchor Bolts shall be installed a minimum of 1 1/2 inches offset from reinforcement locations.

3.3 WATERSTOPS

Waterstops and any seals partially embedded in concrete and exposed until the next lift is placed shall be protected from UV and Ozone.

END OF SECTION

SECTION 35 20 01

CONCRETE REINFORCEMENT FOR FUSEGATE STRUCTURES

PART 1 GENERAL

1.1 SUMMARY

A. This Section addresses the preparation of shop drawings, fabrication, and placement of concrete reinforcement and accessories for the Fusegate Structures.

B. Related Sections:

1. Section 35 11 13 – Concrete Forming for Fusegate Structures.
2. Section 35 15 13 – Watertightness System for Fusegate Structures.
3. Section 35 31 01 – Cast-In-Place Structural Concrete for Fusegate Structures.
4. Section 35 70 00 – Mass Concrete for Ballast Concrete for Fusegate Structures.
5. Section 35 50 13 – Metal Fabrications for Fusegate Structures.

1.2 MEASUREMENT AND PAYMENT

A. The basis for measurement and payment is provided in Section 01 22 00 – Measurement and Payment.

1.3 REFERENCES

A. American Concrete Institute (ACI):

1. ACI 117 – Tolerances for Concrete Construction.
2. ACI 301 – Specification for Structural Concrete.
3. ACI 315 – Manual of Standard Practice for Detailing Reinforced Concrete Structures.
4. ACI 318 – Building Code Requirements for Structural Concrete and Commentary.
5. ACI 350 – Code Requirements for Environmental Engineering Concrete Structures.

B. ASTM International (ASTM):

1. ASTM A184/A184M – Standard Specification for Fabricated Deformed Steel Bar Mats for Concrete Reinforcement.
2. ASTM A615/A615M – Standard Specification for Deformed and Plain Carbon-Steel Bars for Concrete Reinforcement.
3. ASTM A775/A775M – Standard Specification for Epoxy-Coated Steel Reinforcing Bars.

C. Concrete Reinforcing Steel Institute (CRSI):

1. CRSI 10 MSP – Manual of Standard Practice.

1.4 SUBMITTALS

A. Meet the applicable requirements of Section 01 33 00 - Submittal Procedures.

B. Shop Drawings:

1. Submit shop and installation drawings for review by the Engineer, including:
   a. Grade, sizes, and quantities of reinforcing.
   b. Reinforcing lengths, and splicing and bending details.
   c. Placement locations and instructions.
   d. Locations, details, and spacing of supports for reinforcing.
   e. Reference Engineer's reinforcing designations.
   f. Reproduce Engineer's notes regarding placement of reinforcing.
2. Review of shop drawings will be for reinforcing size, spacing, and general detail only, excluding quantities, lengths, and fit of materials.
3. Reproductions of Contract Drawings shall not be used for shop drawings.

C. Quality Control Submittals:

1. Submit certified copies of mill reports, evidencing compliance with requirements of Specifications.
2. Submit copies of laboratory testing and inspection reports.

1.5 DELIVERY AND STORAGE

A. Deliver materials in tagged bundles grouped as to reinforcing size and length.

B. Store reinforcing on platforms, skids, or other supports off of the ground and stacked to permit drainage. Prevent build-up of rust and dirt on reinforcing. Protect reinforcing from contamination that would prevent bonding of concrete.

C. Do not bend, twist, or warp reinforcing during handling.

PART 2 PRODUCTS

2.1 DOWELS

A. Dowels shall conform to ASTM A615/A615M or ASTM A775/A775M, Grade 60.

2.2 FABRICATED BAR MATS

A. Fabricated bar mats shall conform to ASTM A184/A184M.

2.3 REINFORCING STEEL

A. Reinforcing steel shall be deformed bars conforming to ASTM A615/A615M, Grade 60.

2.4 WIRE TIES

A. Wire ties shall be 16 gauge or heavier black annealed steel wire.

2.5 SUPPORTS

A. Bar supports for formed surfaces shall be designed and fabricated in accordance with CRSI 10 MSP and shall be steel or precast concrete blocks. Precast concrete blocks shall have wire ties and shall be not less than 4 inches square when supporting reinforcement

on ground. Precast concrete blocks shall have compressive strength equal to that of the surrounding concrete. Where concrete formed surfaces will be exposed to weather or where surfaces are to be painted, steel supports within 1/2 inch of concrete surface shall be galvanized, plastic protected, or of stainless steel. Concrete supports used in concrete exposed to view shall have the same color and texture as the finished surface. For slabs on grade, supports shall be precast concrete blocks, plastic coated steel fabricated with bearing plates, or specifically designed wire-fabric supports fabricated of plastic.

PART 3 EXECUTION

3.1 REINFORCEMENT

A. Fabrication: Reinforcement shall be fabricated to shapes and dimensions shown and shall conform to the requirements of ACI 318. Reinforcement shall be cold bent unless otherwise indicated. Bending may be accomplished in the field or at the mill. Bars shall not be bent after embedment in concrete. Safety caps designed to provide implement protection as approved by OSHA shall be placed on all exposed ends of vertical concrete reinforcement bars that pose a danger to life safety. Wire tie ends shall face away from the forms.

B. Placement: Reinforcement shall be free from loose rust, dirt, oil, or other deleterious coatings that could reduce bond with the concrete. Reinforcement shall be placed in accordance with ACI 318 at locations shown plus or minus one bar diameter. Reinforcement shall not be continuous through expansion joints and shall be as indicated through construction or contraction joints. Concrete coverage shall be as indicated or as required by ACI 318. If bars are moved more than one bar diameter to avoid interference with other reinforcement, conduits, or embedded items, the resulting arrangement of bars, including bars required to meet structural requirements, shall be approved before concrete is placed.

C. Spliced: Splices of reinforcement shall conform to ACI 318 and shall be made only as required or indicated. Splicing shall be lapped or by mechanical butt connection; except that lap splices shall not be used for bars larger than No. 11, unless otherwise indicated. Lapped bars shall be placed in contact and securely tied or spaced transversely apart to permit the embedment of the entire surface of each bar in concrete. Lapped bars shall not be spaced farther apart than one-fifth the required length of lap or 6 inches. Mechanical butt splices shall be in accordance with the recommendations of the manufacturer of the mechanical splicing device. But splices shall develop 125 percent of the specified minimum yield tension strength of the spliced bars or of the smaller bar in transition splices.

D. Dowel Installation: Dowels shall be installed in slabs at locations indicated and at right angles to joint being doweled. Dowels shall be accurately positioned and aligned parallel to the finished concrete surface before concrete placement. Dowels shall be rigidly supported during concrete placement. One end of dowels shall be coated with a bond breaker.

END OF SECTION

SECTION 35 31 01

CAST-IN-PLACE STRUCTURAL CONCRETE FOR FUSEGATE STRUCTURES

PART 1 GENERAL

1.1 SUMMARY

A. This Section addresses the furnishing, placing, and curing of cast-in-place structural concrete for the Fusegate Structures.

B. Related Sections:

1. Section 35 11 13 – Concrete Forming for Fusegate Structures.
2. Section 35 15 13 – Watertightness System for Fusegate Structures.
3. Section 35 70 00 – Mass Concrete for Ballast Concrete for Fusegate Structures.
4. Section 35 50 13 – Metal Fabrications for Fusegate Structures.

1.2 MEASUREMENT AND PAYMENT

A. The basis for measurement and payment is provided in Section 01 22 00 – Measurement and Payment.

1.3 REFERENCES

A. American Concrete Institute (ACI):

1. ACI 117 – Specifications for Tolerances for Concrete Construction and Materials and Commentary.
2. ACI 211.1 – Standard Practice for Selecting Proportions for Normal, Heavyweight and Mass Concrete.
3. ACI 301 – Specifications for Structural Concrete.
4. ACI 302.1R – Guide for Concrete Floor and Slab Construction.
5. ACI 304R – Guide for Measuring, Mixing, Transporting, and Placing Concrete.
6. ACI 304.2R – Placing Concrete by Pumping Methods.
7. ACI 305R – Hot Weather Concreting.
8. ACI 306.1 – Standard Specification for Cold Weather Concreting.
9. ACI 308.1 – Standard Specification for Curing Concrete.
10. ACI 309R – Guide for Consolidating Concrete.
11. ACI 318 – Building Code Requirements for Structural Concrete and Commentary.
12. ACI 350 – Code Requirements for Environmental Engineering Concrete Structures.

B. ASTM International (ASTM):

1. ASTM C1017/C1017M – Standard Specification for Chemical Admixtures for Use in Producing Flowing Concrete.
2. ASTM C1218/C1218M – Standard Test Method for Water-Soluble Chloride in Mortar and Concrete.
3. ASTM C1260 – Standard Test Method for Potential Alkali Reactivity of Aggregates (Mortar-Bed Method).
4. ASTM C150 – (2009) Standard Specification for Portland Cement.

5. ASTM C260 – (2006) Standard Specification for Air- Entraining Admixtures for Concrete.
6. ASTM C309 – (2007) Standard Specification for Liquid Membrane-Forming Compounds for Curing Concrete.
7. ASTM C33/C33M – (2011) Standard Specification for Concrete Aggregates.
8. ASMT C441/C441M – (2011) Standard Test Method for Effectiveness of Pozzolans or Ground-Blast Furnace Slag in Preventing Excessive Expansion of Concrete Due to the Alkali-Silica Reaction.
9. ASTM C494/C494M – (2010a) Standard Specification for Chemical Admixtures for Concrete.
10. ASTM C618 – (2008a) Standard Specification for Coal Fly Ash and Raw or Calcined Natural Pozzolan for Use in Concrete.
11. ASTM C685/C685M – (2014) Standard Specification for Concrete Made By Volumetric Batching and Continuous Mixing.
12. ASTM C94/C94M – (2010a) Standard Specification for Ready- Mixed Concrete.
13. ASTM C920 – (2014a) Standard Specification for Elastomeric Joint Sealants.

C. US Army Corps of Engineers (COE):

1. COE CRD-C 513 – Specifications for Rubber Waterstops.
2. COE CRD-C 572 – Specifications for PVC Waterstops.

1.4 SUBMITTALS

A. Meet the applicable requirements of Section 01 33 00 - Submittal Procedures.

Concrete Placement Plan: Submit a plan detailing approach and schedule for formwork, concrete mix specifications and testing, concrete delivery, placement, curing, protection, and finishing for review and approval by Engineer prior to initiation of concrete work. Plan shall include:

1. Method of determining the location of the limits and elevation for each placement.
2. Overall schedule of concrete placement, including sequence and timing of formwork and placement, stripping, finishing and joint construction.
3. Rate of concrete placement and management of resulting traffic loads.
4. Conveyance plan, including belts, conveyors, concrete pumps, etc.
5. Consolidation plan, including specifications of proposed vibratory and other equipment.
6. Curing medium and methods to be used in conformance with applicable standards.
7. Cold-weather placing plan, including proposed materials, methods, and protection and conforming to requirements of applicable standards.
8. Hot-weather placing plan, including proposed materials, methods, and protection and conforming to the requirements of applicable standards.

B. Concrete Materials Statement: Submit materials and mix proportions (including admixtures) proposed for concrete at least 30 days prior to initiation of work. Statement shall include results of mix designs and laboratory testing including:

1. Concrete supplier proposed and location of plant or plants at which concrete will be batched.
2. Mix designation and identification.
3. Mix proportions based on SSD aggregates and one cubic yard.

4. Moisture content of aggregates as used in trials and corrections for aggregate weights used.
5. Specific gravity and absorption of aggregates.
6. Admixture source and dosage.
7. Yield and wet unit weight.
8. Strength results and unit weights of cylinders.
9. Strength requirements, both the design strength and the required average strength with the applicable ASTM C94 over design factor.
10. Cement and fly ash source.
11. Aggregate source, gradation, and quality (including results of ASTM C1260).
12. Mix temperature.
13. Slump, design and actual.
14. Air content, design and actual.
15. For mixes with high-range, water reducer present, the slump and air content at 15 to 20 minute time increments.

C. Concrete Materials Statement shall be accompanied by test reports from an accredited laboratory, which shows that proposed materials and proportions yield a concrete quality required by this Section. No substitutions shall be made in the source or type of materials used in the work without additional tests to demonstrate that the quality of the substituted materials and new concrete are satisfactory.

D. Waterstops:

1. Shop drawings showing location, size, type, joint details, and pre-molded connections.
2. Manufacturer's product data for waterstops and for joining waterstops.

E. Delivery Tickets: Ready-mixed concrete producer shall furnish duplicate delivery tickets. Contractor shall retain one ticket and submit other ticket to Engineer at time of concrete delivery. Delivery tickets shall indicate delivery date, mix, cement content, admixtures, and amount of water.

1.5 QUALITY REQUIREMENTS

A. Perform work in accordance with ACI 301 and ACI 350 and all requirements of this Section and related sections of this Specification.

B. Conform to ACI 305 when concreting during hot weather.

C. Conform to ACI 306 when concreting during cold weather.

D. Acquire cement, fly ash, admixtures, and aggregates for the work from a single source for each material.

1.6 DEFINITIONS

A. Construction Joint: A construction joint is defined as a planned joint where two placements of concrete meet, across which development and maintenance of bond are required, through which any reinforcement that may be present is not interrupted. Unless otherwise indicated on Drawings, construction joints in water retaining structures shall be provided with a waterstop and/or sealant groove of the shape indicated.

B. Abrupt Surface Irregularities: Offsets and fins in formed concrete surfaces resulting from displaced, mismatched, or misplaced forms, sheathing, or liners or from defects in forming materials. Abrupt irregularities shall be measured within one inch of the irregularity.

C. Gradual Surface Irregularities: Irregularities in formed concrete surfaces resulting from warping and similar uniform variations from planeness or true curvature. Gradual surface irregularities shall be measured by determining gap between concrete and near surface along a five (5) foot straightedge, measured between contact points.

D. Defective Concrete: Concrete not conforming to required lines, details, dimensions, tolerances, or specified requirements.

1.7 COORDINATION

A. Concrete shall not be placed in immediate adjacent slabs or immediate adjacent lifts of walls until abutting concrete has been in place for at least five (5) days.

B. Locate and construct joints as shown on Drawings. Relocation, addition, or elimination of any joint shall be subject to written approval of Engineer.

C. Coordinate placement of joint devices, such as waterstops, embedments, and dowels, with erection of concrete formwork and placement of form accessories.

PART 2 PRODUCTS

2.1 MATERIALS

A. Cement: ASTM C150, Type I or II, low-alkali containing less than 0.60 alkalis. Cement used throughout the work shall be uniform in color.

B. Pozzolan:

1. ASTM C618, Class F, fly ash having the following properties:
   a. Loss on ignition limited to a maximum of 2.5 percent.
   b. Containing less than 4 percent sulfur trioxide by weight.
2. Pozzolan shall be furnished from the same source and supplier for all concrete and that used in the submitted mix designs. Pozzolan from another source other than source noted in the approved mix design will be rejected.
3. Pozzolan color shall not substantially alter the resulting concrete from the normal gray color and appearance.

C. Aggregates:

1. Conform to ASTM C33. Local aggregates not complying with ASTM C33, but which have shown by test and actual service to produce concrete of adequate strength and durability may be submitted for approval.
2. Aggregates shall be non-reactive for alkali-silica reactivity (ASR) and shall be washed before use. Aggregates shall not be sourced from quarries where potential alkali reactivity expansion of aggregates as determined by ASTM C1260 exceed 0.10

percent at 16 days. In addition, aggregates from the following North Carolina quarries have been shown to have ASR aggregates and shall not be used:
   a. Princeton Quarry, Princeton, N.C., operated by Hanson, Inc.
   b. Asheboro Quarry, Asheboro, N.C., operated by Martin Marietta Aggregates.
   c. Bakers Quarry, Bakers, N.C., operated by Martin Marietta Aggregates.
   d. Pomona Quarry, Greensboro, N.C., operated by Martin Marietta Aggregates.
   e. Thomasville Quarry, Thomasville, N.C., operated by Martin Marietta Aggregates.
   f. Gold Hill Quarry, Gold Hill, N.C., operated by Vulcan Materials Co.
3. Do not use aggregates containing soluble salts or other substances, which cause stains on exposed concrete surfaces.
4. Aggregates for all concrete shall be from the same source quarry used to develop concrete mix design.
5. Fine aggregates and coarse aggregates shall be regarded as separate ingredients.
6. Fine Aggregates:
   a. Hard, dense, durable particles of either sand or crushed stone regularly graded from coarse to fine, free of loam, clay particles, lumps, and foreign material.
   b. Gradation shall conform to ASTM C33.
   c. Fine aggregates shall not exceed 40 percent by weight of the combined aggregate total.
   d. The fineness modulus of the fine aggregates shall not be less than 2.3 or more than 3.1, nor vary by more than 0.20 from the value assumed in selecting proportions of the concrete. If this value is exceeded, the fine aggregate is rejected unless suitable adjustments are made in proportions of the fine and coarse aggregates.
7. Coarse Aggregates:
   a. Clean, uncoated, processed aggregates free from clay, mud, loam, and other foreign material. Aggregates may be crushed natural rock, crushed stone, or washed natural or crushed gravel. Use of pit run gravel is not permitted.
   b. Gradation shall conform to ASTM C33 using NCDOT No. 57, 67, or 467M Stone.

D. Water: Water for mixing and curing shall be fresh, clean, potable, and free of injurious amounts of oil, acid, salt, alkali, organic matter, or other deleterious substances.

E. Admixtures:

1. Air Entrainment: Conform to ASTM C260 and be compatible with water reducing and any other admixtures. If air-entrainment cement is used, any additional air-entraining admixture shall be of the same type as that used in the cement.
2. Water Reducing Admixtures: Conform to ASTM C494, Type A. Use water reducing admixtures to increase workability of mix.
3. Set Retarders: ASTM C494, Type B, shall not be used in concrete, unless otherwise authorized in writing by Engineer.
4. Water Reducing Admixtures and Set Retarders: ASTM C494, Type D, shall not be used in concrete, unless otherwise authorized in writing by Engineer.
5. High Range Water Reducing Admixtures (HRWRA): Conform to ASTM C494, Type F. Use HRWRA to increase workability of mix.
6. High Range Water Reducing Admixtures and Retarders: Conforming to ASTM C494, Type G, shall not be used in concrete unless otherwise authorized in writing by Engineer.

7. Accelerating Admixtures: ASTM C494, Type C or E, shall not be used in concrete unless otherwise authorized in writing by Engineer.

2.2 FORMWORK

A. Comply with Section 35 11 13 – Structural Concrete Formwork.

2.3 CONCRETE REINFORCEMENT

A. Comply with Section 35 20 01 – Concrete Reinforcement.

2.4 CONCRETE MIX

A. Contractor shall be responsible for initial mix design and related testing to the mix design, which shall conform to the following requirements:

1. All materials used in the work shall be subject to inspection and tests at the batch plant and at the job site.
2. Laboratories and personnel used by the Contractor for testing and mix design shall conform to ASTM E329 and the guidance of the ASTM "Manual of Aggregate and Concrete Testing."
3. Prepare design mix on the basis of compressive strength by methods recommended by ACI 350.
4. Proportion mixes by laboratory trial batch method using materials to be employed on project. Prepare test specimens in accordance with ASTM C192 and conduct strength tests in accordance with ASTM C39, as specified in ACI 301.
5. Water-cement ratios of the mix shall be determined from a water-cement ratio curve plotted from tests run at constant slump of the cement and aggregates used on the job. Mix shall be run using both the maximum slump and air content and the design slump and air content. The strength of the mix at design slump and air content shall meet the specified design strength plus the applicable overdesign factor as stipulated in ASTM C94, Table 4 – Average Strength Requirements for Limited Probability of Tests Falling below the Specified Strength, to one out of every 10 tests.
6. Concrete mix shall be designed using the minimum water possible subject to workability requirements.

B. Contractor shall provide production concrete conforming to ASTM C94, including the applicable overdesign factor of Table 4 for limiting the probability of tests falling below the specified strength (f'c) to one out of every ten tests. The mixes shall conform to the general guidance list below.

C. Strength requirements are for 28 days of age, unless otherwise noted. Contractor may provide stronger mixes within guidelines given below that allow for higher early strengths if necessary for form removal and to assist schedule. Contractor shall be responsible for evaluating construction loads and controlling concrete operations so that Contractor does not overload or damage the structure.

D. The requirements for cast-in-place structural concrete are as follows:

Specified Design Strength @ 28 days:	5,000 psi
Concrete Density	149 pcf
Maximum Size Aggregate:	1 inch

Maximum Water-Cement Ratio: 0.40

E. Air Content: Air content as delivered to the forms and as determined by ASTM C231 shall be between 5 and 7 percent.

F. Slump: The slump shall be determined in accordance with ASTM C143/C143M and shall be within the range of 1 to 4 inches. Where placement by pump is approved, the slump shall be taken after the pump and shall not exceed 6 inches. Concrete to be placed in Fusegate walls may contain a chemical admixture for use in producing flowing concrete in accordance with ASTM C1017/C1017M, and the slump of the concrete shall not exceed 8 inches. Water shall not be added to the concrete mix on site.

G. Pozzolan: If pozzolan is used in the concrete mixture, the minimum pozzolan content shall be 15 percent of the total cementitious material and the maximum percentage shall be 40 percent.

H. The consistency of the concrete shall be such as to allow it to be worked into place without segregation or excessive latency.

I. The quantities of cement and aggregates in each batch of concrete, as indicated by the scales, shall be within the following percentages of the required batch weights:

1. Cement and fly ash – plus or minus one percent.
2. Aggregates – plus or minus two percent.
3. Water – plus or minus two percent.

J. Calcium Chloride or other accelerators or anti-freeze compounds will not be allowed.

2.5 CONCRETE ACCESSORIES

A. PVC Waterstop: Polyvinyl chloride, standard and split-flange, center-bulb, ribbed type, 6 inch wide as designated on the Drawings, maximum possible lengths, ribbed profile, preformed corner sections, and heat welded jointing. Use virgin PVC with no reclaimed material. Minimum web thickness 3/8 inch, minimum hollow center-bulb dimension 1 inch outside diameter. Provide PVC waterstop by Sika Greenstreak or approved equal.

B. Curing and Sealing Compound: Liquid membrane-forming compound for curing concrete, ASTM C309, clear type.

C. Epoxy Resin: Epoxy resin for use in repairs shall conform to ASTM C881/C881M, Type III, Grade I or II.

D. Waterproofing Treatment: Waterproofing material shall be permanent, a chemical treatment and cementitious mixture specifically not a surface coating paint or other membrane, able to seal cracks up to 1/64 inch, tested and shown not to impair freeze-thaw resistance of concrete, non-toxic, permeability tested with a minimum 150 ft. static head, and have a resistance to PH, minimally in the range of PH 4-11. Waterproofing treatment shall be submitted for Government approval. Xypex or approved equivalent.

E. Bond Breaker: Bond breaker material used between the slab and the fusegate shall be submitted for approval by Engineer. Suggested manufacturers are Cresset, Conspec, Dayton Richmond, Meadow-Burke, and Nox-crete.

PART 3 EXECUTION

3.1 MIXERS AND MIXING

A. Concrete may be furnished by batch mixing at or near the site or by ready mix methods. Batch plants shall conform to requirements of North Carolina Department of Transportation specifications for automatic proportioning equipment and as specified herein, and shall be previously approved by Department of Transportation.

B. Mixers shall be capable of thoroughly mixing concrete ingredients into a uniform mass within the specified mixing time and of discharging the mix without segregation. Each mixer or agitator shall bear a manufacturer's rating plate indicating rated capacity and recommended speeds of rotation, and shall be operated in accordance with these recommendations.

C. Concrete shall be uniform and thoroughly mixed when delivered to the Work site. Variations in slump of more than one inch within a batch will be considered evidence of inadequate mixing and shall be corrected by changing batching procedures, increasing mixing time, changing mixers, or other means. Mixing time shall be within limits specified below unless Contractor demonstrates by mixer performance tests that adequate uniformity is obtained by different times of mixing. For this purpose, the testing program and uniformity requirements shall be as set forth in ASTM C94.

D. No mixing water in excess of amount called for by job mix shall be added to concrete during mixing or hauling or after arrival at delivery point. Mix shall be tempered using a water reducing admixture or high range water reducing admixture instead of water at point of delivery.

E. For concrete mixed at the Work site with stationary construction mixers, time of mixing after all cement, fly ash and aggregates are in the mixer drum shall be not less than 12 minutes. Batch shall be so charged into the mixer that some water will enter in advance of cement, fly ash and aggregates and all mixing water shall be introduced into drum before 3 minutes of mixing time has elapsed. Controls shall be provided to ensure that the batch cannot be discharged until required mixing time has elapsed.

F. When concrete is mixed in a truck mixer loaded to its maximum capacity, number of revolutions of the drum or blades at mixing speed shall be not less than 70 or more than 100. If the batch is at least two cubic yards less than maximum capacity, the number of revolutions at mixing speed may be reduced to not less than 50. Mixing in excess of 100 revolutions shall be at speed designated by manufacturer of equipment as agitating speed. The mixing operation shall begin within 30 minutes after cement has been added to aggregates and water shall be added during mixing. When mixing is begun during or immediately after charging, a portion of mixing water shall be added ahead of, or with, other ingredients.

G. When concrete is partially mixed at a central plant and the mixing is completed in a truck mixer, the mixing time in the central plant mixer shall be the minimum required to intermingle ingredients and shall be not less than 30 seconds. Mixing shall be completed in a truck mixer and number of revolutions of drum or blades at mixing speed shall be not less than 50 or more than 100. Mixing in excess of 100 revolutions shall be at speed

designated by manufacturer of equipment as agitating speed. Total number of revolutions shall not exceed 300 before discharge of concrete, unless otherwise specified.

H. For central-mixed concrete, mixing in stationary mixer shall meet same requirements as batch mixing at site. When an agitator, or truck mixer used as an agitator, transports concrete that has been completely mixed in a stationary mixer, mixing during transportation shall be at speed designated by manufacturer of equipment as agitating speed.

I. Use of non-agitating equipment to transport concrete to point of delivery will not be permitted.

3.2 EXAMINATION

A. Meet the applicable requirements of Section 01 30 00 - Administrative Requirements.

B. Verify requirements for concrete cover over reinforcement.

C. Verify that reinforcement, dowels, waterstops, plates, and any other required embedments are accurately placed, positioned securely, and will not interfere with placing concrete.

3.3 PREPARATION

A. Coordinate placement of joint devices with erection of concrete formwork and placement of form accessories.

B. Prepare previously placed concrete by cleaning with steel brush, or by other means approved by the Engineer, to remove all laitance, coatings, dust, and debris.

C. Thoroughly wet wood forms immediately before placing concrete, as required, where form coatings are not used. Thoroughly saturate existing concrete one hour before placing new concrete against existing concrete. Maintain surface of existing concrete in a moist condition until new concrete is placed.

D. Remove debris and ice from formwork, reinforcement, and concrete substrates prior to concrete placement.

E. Remove standing water from areas receiving concrete before concrete is placed.

F. Contractor shall give at least twenty-four (24) hours' notice to Engineer each time he intends to place concrete. Such notice shall be far enough in advance to give Engineer adequate time to inspect forms, steel reinforcement and other preparations for compliance with Specifications and Drawings before concrete is delivered for placing.

G. Concrete shall not be placed until the forms and steel reinforcement have been inspected and approved.

H. Contractor shall have all equipment and materials required for curing available at the site ready for use before placement of concrete begins.

3.4 PLACING CONCRETE

A. Place concrete in accordance with ACI 301 and ACI 304 as applicable. Where requirements of this Section are more stringent than those of ACI 301, the requirements herein shall take precedence.

B. No concrete shall be placed except in presence of Engineer.

C. Concrete shall be conveyed from mixer to forms as rapidly as practicable, by methods that will prevent segregation of aggregates or loss of mortar.

1. Concrete shall be delivered to the site and discharged into the forms within 90 minutes after the introduction of cement to aggregates.
2. In hot weather or under conditions contributing to quick stiffening of concrete, the time between the introduction of cement to aggregates and discharge shall not exceed 45 minutes.
3. When temperature of the concrete is 80 degrees F or above, the time between the introduction of cement to aggregates and discharge shall not exceed 45 minutes.
4. Concrete temperature at the time of placing in forms shall be not less than 50 degrees F, nor more than 90 degrees F. In no case will concrete be accepted for use in the work if the mix temperature before placing is outside of this range.
5. The Contractor is solely responsible for development and implementation of his schedule and coordination with subcontractors and suppliers. It is incumbent upon the Contractor to adhere to the concrete placement temperatures specified regardless of the ambient conditions. The Contractor shall implement means as necessary to ensure that the concrete at the time of placement is within specified temperature limits. During hot weather, this may require shading and/or cooling aggregates, variable placement times or work hours, chilling water, adding ice, implementation of admixtures and other means or methods as necessary. The Contractor's plan for controlling temperatures during hot and cold weather shall be thoroughly discussed in his Concrete Placement Plan. The cost of meeting specified temperature requirements shall be included in the Contractor's unit prices for concrete based on his schedule and expected ambient conditions.

D. Provide equipment for moving concrete to ensure a continuous flow of concrete. Provide runways for fixed wheeled conveying equipment. Keep interior surfaces of conveying equipment, including chutes, free of hardened concrete, debris, water, snow, ice and other deleterious substances.

E. Hoppers and chutes, pipes or "elephant trunks" shall be used as necessary to prevent splashing of mortar on forms and reinforcing steel above layer being placed.

F. Concrete shall not be dropped more than five feet vertically unless suitable equipment is used to prevent segregation.

G. Concrete shall be deposited as closely as possible to its final position in forms and shall be worked into corners and angles of forms and around all reinforcement and embedded items in a manner to prevent segregation of aggregates or excessive laitance.

H. Depositing of concrete shall be regulated so that the concrete may be consolidated with a minimum of lateral movement.

I. Elapsed Time for Placing Concrete: Concrete shall be delivered to any monolithic unit of a structure at a rate which will permit proper handling, placing, and finishing of the concrete; and shall be so regulated that the maximum interval between the placing of batches at the work site shall not exceed 20 minutes.

J. Internal stays and braces, serving temporarily to hold the forms in correct shape and alignment prior to placement of concrete at their locations, shall be removed when the concrete has been placed to an elevation such as to render their service unnecessary.

K. Placing Concrete Slabs:

1. Concrete shall be placed to design thickness in one continuous layer.
2. Deposit and consolidate concrete slabs in a continuous operation, within limits of joints, until panel or section is complete.
3. Limit time of vibrating consolidation to prevent bringing an excess of fine aggregate to surface.
4. Bring slab surfaces to correct level with straight edge and strike off.

L. Placing Concrete into Forms: Deposit concrete in forms in horizontal layers not more than 20 inches thick and in a manner to avoid inclined construction joints.

M. Successive layers shall be placed at a fast enough rate to prevent the formation of "cold joints." If surface of a layer of concrete in place sets to the degree that it will not flow and merge with the succeeding layer when vibrated, Contractor shall discontinue placing concrete and shall make a construction joint. If placing is discontinued when an incomplete layer is in place, the unfinished end of the layer shall be formed by a vertical bulkhead. Forms shall be retightened before new concrete is deposited on or against concrete that has hardened. New concrete shall not be placed until the hardened concrete has cured at least 12 hours.

N. Ensure reinforcement, inserts, embedded parts, formed joints, and adjacent areas are not disturbed during concrete placement.

3.5 CONSOLIDATION

A. Consolidate concrete, as per the requirements of the approved Concrete Placement Plan.

B. Consolidate concrete immediately after it is placed in the work with internal type mechanical vibrators capable of transmitting vibration to the concrete at frequencies not less than 6000 impulses per minute.

C. Employ sufficient number of vibrators so that, at the required rate of placement, vibration is maintained throughout the entire volume of each layer of concrete and complete consolidation is secured.

D. Location, manner and duration of application of vibrators shall be such as to secure maximum consolidation of the concrete without causing segregation of the mortar and coarse aggregate, and without causing water or cement paste to flush to the surface.

E. Vibration shall be applied in the freshly deposited concrete by inserting and removing vibrator at points uniformly spaced and not farther apart than twice the radius over which

the vibration is visibly effective. The vibrator shall extend into the previously placed layer of fresh concrete, at all points, to ensure effective bond between layers.

F. Vibration shall not be applied directly to reinforcement steel or forms, nor to concrete that has hardened to the degree that it does not become plastic when vibrated.

G. Use of vibrators to transport concrete in the forms or conveying equipment will not be permitted. Vibration shall be supplemented by spading and hand tamping as necessary to ensure smooth and dense concrete along form surfaces, in corners, and around embedded items and waterstops.

H. Close attention and additional effort will be necessary to adequately consolidate concrete adjacent to construction joints, at intermediate cutoff walls, sloping surfaces, and around embedded items.

3.6 CONSTRUCTION JOINTS

A. Comply with ACI 301, Chapter 6, and as specified below.

B. Locate and install construction joints at locations shown and as specified below. Contractor may submit alternate, additional, or the elimination of joint locations for Engineer's approval.

C. Where a feather edge would be produced at a construction joint, as in the top surface of a sloping wall, an insert form shall be used so that the resulting edge thickness on either side of the joint is not less than six inches.

D. Place construction joints perpendicular to the main reinforcement. Continue reinforcement across construction joints.

E. At horizontal construction joints in walls or between footings and base of walls, surface to receive new cast-in-place concrete shall be intentionally roughened between projecting vertical bar curtains by an approved method to a full amplitude of approximately 1/4 inch. Concrete surface receiving new concrete shall be roughened while concrete remains plastic.

F. Surfaces of concrete to be joined shall be clean, rough, and moist when new cast-in-place concrete is applied. Clean joint surfaces to remove all unsatisfactory concrete, laitance, coatings, stains, or debris by washing and scrubbing with a wire brush or wire broom or by other means approved by the Engineer.

G. Prepare surfaces of existing or hardened concrete by wet or dry sandblasting, water blasting with approved equipment, bush hammering, grinding, or other approved method. Clean surfaces by air/water jets and allow to dry thoroughly; drying may be accomplished by air jets. Compressed air used in cleaning and drying operations shall be free from oil or other contaminating materials.

H. Joints shall be thoroughly moistened prior to placing concrete. Surfaces shall be kept moist for at least one hour prior to placement of new concrete. The new concrete shall be placed directly on the cleaned and washed surface.

I. Steel tying and form construction adjacent to concrete in place shall not be started until the concrete has cured at least 12 hours.

3.7 WATERSTOPS

A. Install waterstops in accordance with manufacturer's recommendations.

B. Embed approximately half of PVC waterstop on each side of joint. Waterstops shall be carefully and correctly positioned during installation to eliminate faulty installation that may result in joint leakage. All waterstops shall be installed so as to form a continuous watertight diaphragm in each joint.

C. Support and protect waterstops during construction.

D. Any waterstop punctured or damaged shall be replaced or repaired at Contractor's expense.

E. Splice PVC waterstops together using approved splicing procedures to form a continuous watertight diaphragm and in accordance with the following:

1. All splices shall be made on a bench in a temporary shop provided at the site of installation or at manufacturer's plant.
2. Miter guide and portable power saw shall be used to cut the ends to be joined to insure good alignment and contact between joined surfaces. Continuity of the characteristic features of the cross section of the waterstop (ribs, tabular center axis, protrusions and the like) shall be maintained across the splice.
3. Splice PVC waterstops by heat sealing adjacent surfaces in accordance with manufacturer's recommendations. Do not expose waterstop to direct flame which could cause charring.
4. Waterstops shall be reformed at splices with a remolding iron with ribs or corrugations to match the pattern of the waterstop.
5. The spliced area, when cooled and bent by hand in as sharp an angle as possible, shall show no sign of separation.

F. The concrete shall be thoroughly consolidated in the vicinity of the waterstop.

G. Suitable guards shall be provided to protect exposed projecting edges and ends of partially embedded waterstops from damage when concrete placement has been discontinued.

3.8 REMOVAL OF FORMS

A. Forms shall be removed in accordance with the requirements of Section 35 11 13 – Structural Concrete Formwork.

B. Form removal shall be performed sequentially such that completion of finishing operations can be accomplished within four hours of form removal.

3.9 FINISHING FORMED SURFACES

A. Concrete formed surfaces shall be true and even, and shall be free from open or rough spaces, depressions, projections, or other defects in the specified surface finish or

alignment. Over tolerance depressions or projections as defined in Table 1 will not be allowed to accumulate. Finishing of formed surfaces shall be as specified below and shall be performed immediately upon removal of forms.

B. All form bolts and ties shall be removed to a depth at least one inch below surface of concrete. Cavities produced by form ties and other holes of similar size and depth shall be thoroughly cleaned and, after interior surfaces have been kept continuously wet for at least three hours, shall be carefully packed with a dry patching mortar (pre-shrunk) mixed not richer than one part cement to three parts sand.

1. Holes left by form bolts or straps, which pass through the wall shall be filled solid with mortar.
2. Patching mortar shall be thoroughly compacted into place to form a dense, well-bonded unit, and the in-place mortar shall be sound and free from shrinkage cracks. Cure patched areas as specified.

C. Provide standard smooth finish to formed surfaces exposed to view or surfaces that convey water. Standard smooth finish shall be the as-cast concrete surface obtained with form facing material.

1. Repair defective concrete, fill all form tie holes, remove or smooth all abrupt irregularities greater than 1/4 inch in depth or projection, and treat all depressions such that they do not exceed 1/4 inch in depth.
2. Rub concrete surfaces with a medium coarse carborundum stone using water for lubrication and cleaning.
3. Rubbing shall be started as soon as possible after the forms are removed, patching is finished, and the patching mortar has set thoroughly.
4. Continue rubbing until all form marks, projections and irregularities have been removed and a uniform surface has been obtained.
5. After rubbing is completed, surface shall be washed to remove loose powder and shall be left free from unsound patches, paste, powder, and objectionable marks.

D. Related Unformed Surfaces: At top of walls, horizontal offsets, and similar unformed surfaces occurring adjacent to formed surfaces, strike off and finish with texture matching adjacent formed surfaces. Continue final surface treatment of formed surfaces uniformly across adjacent unformed surfaces, unless otherwise shown.

3.10 FINISHING UNFORMED SURFACES

A. Apply float finish to exposed unformed surfaces, such as slabs, following strike-off of concrete to grade.

B. Do not work surface until surface has hardened sufficiently to prevent an excess of fine material from being drawn to the surface. Begin floating when surface water has disappeared and concrete has stiffened sufficiently to permit operation of power-driven float. Excessive floating while concrete is soft will not be permitted. Consolidate surface with power-driven floats, or by hand floating using bull floats or darbies if area is small or inaccessible to power units.

C. Check and level surface plane to tolerance specified in Table 1 when tested with a straight edge. Cut high spots and fill low spots.

D. Immediately after leveling, refloat surface to a uniform, smooth, granular texture.

E. Tool joints and edges using molding tools on unformed surfaces that will be exposed to view that are not to be left square or have been chamfered.

F. Addition of dry cement or water to surface of unformed concrete surface to expedite finishing will not be allowed.

3.11 CURING AND PROTECTION

A. Immediately after placement, protect concrete from premature drying, excessively hot or cold temperatures, and mechanical injury, as per the requirements of the approved Concrete Placement Plan.

B. Concrete shall be prevented from drying for a curing period of at least 7 days after being placed. Exposed surfaces shall be kept continuously moist for entire period. Moisture shall be maintained by sprinkling, flooding or fog spraying, or by covering with continuously moistened canvas, cloth mats, straw, sand or other approved material. Wood forms left in place during the curing period shall be kept wet. The use of curing compounds on concrete horizontal surfaces will not be permitted.

C. Formed surfaces shall be thoroughly wetted immediately after forms are removed and shall be kept wet until patching and repairs are completed. Water or coverings shall be applied in such a way that the concrete surface is not eroded or otherwise damaged. Water for curing shall be clean and free from any substance that will cause discoloration of the concrete. Special care shall be given to cold weather curing so as to maintain the required concrete temperature.

D. In lieu of water curing after patching and repairs are completed, Contractor may apply membrane-forming curing compound to vertical formed concrete surfaces in accordance with manufacturer's recommendations and as per the requirements of the approved Concrete Placement Plan and Construction Drawings.

1. Apply uniformly in a two-coat continuous operation by power spray equipment in accordance with manufacturer's directions.
2. Recoat areas, which are subjected to heavy rainfall within three hours after initial application.
3. Maintain continuity and repair damage to coating during curing period.

E. Curing compound shall not be applied to surfaces requiring bond with subsequently placed concrete, such as construction joints, waterstops, reinforcing steel, and other embedded items.

F. Maintain concrete with minimal moisture loss at relatively constant temperature for period necessary for hydration of cement and hardening of concrete, as per the requirements of the approved Concrete Placement Plan.

3.12 CONCRETING IN COLD WEATHER

A. When atmospheric temperature is less than 40 degrees F at time concrete is delivered to work site, during placement, or at any time during the curing period, perform Work in accordance with ACI 306.1 – Cold Weather Concreting.

B. Protect concrete work from physical damage or reduced strength caused by frost, freezing actions, or low temperatures, in compliance with ACI 306.1.

C. Do not place concrete on frozen subgrade or on subgrade containing frozen materials. Ascertain that forms, reinforcement, and adjacent concrete surfaces are entirely free of frost, snow or ice before placing concrete.

D. Temperature of concrete at point of placement shall not be less than 50 degrees F. The temperature of neither aggregates nor mixing water shall be more than 100 degrees F just prior to mixing with the cement. No frozen materials or materials containing ice shall be used.

E. Methods of insulating, housing and heating concrete shall be utilized to protect the work, in accordance with ACI 306R – Cold Weather Concreting. Temperature of the concrete and air adjacent to the concrete shall be maintained at not less than 50 degrees F or more than 85 degrees F for the duration of the curing period.

F. When dry heat is used to protect concrete, means of maintaining an ambient humidity of at least 40 percent shall be provided unless the concrete has been coated with curing compound or is covered tightly with an approved impervious material. Concrete damaged by freezing shall be removed and replaced at the Contractor's expense.

3.13 CONCRETING IN HOT WEATHER

A. When climatic or other conditions are such that temperature of concrete may reasonably be expected to exceed 85 degrees F at time of delivery at work site, during placement, or during first 24 hours after placement, perform Work in accordance with ACI 305R – Hot Weather Concreting.

B. Contractor shall maintain temperature of Structural Concrete below specified maximum placement temperatures during mixing, conveying, and placing. Cool ingredients before mixing to maintain concrete temperature at time of placement. Mixing water may be chilled, or chopped ice may be used to control temperature provided water equivalent of ice is calculated in total amount of mixing water.

C. Concrete shall be placed immediately after mixing. Truck mixing shall be delayed until only time enough remains to accomplish mixing before concrete is placed.

D. Exposed concrete surfaces which tend to dry or set too rapidly shall be continuously moistened by means of fog sprays or otherwise protected from drying during the time between placement and finishing, and after finishing.

E. Finishing of slabs and other exposed surfaces shall be started as soon as condition of concrete allows and shall be completed without delay.

F. Concrete surfaces exposed to air shall be covered as soon as concrete has hardened sufficiently and shall be kept continuously wet for at least first 24 hours of curing period, and for entire curing period unless curing compound is applied as specified below.

G. Formed surfaces shall be kept completely and continuously wet for the duration of curing period (prior to, during and after form removal) or until curing compound is applied as specified below.

3.14 PROTECTION

A. Maintain standard concrete temperature after installation at minimum 50 degrees F for minimum 7 days.

B. Ensure that materials and activities associated with concrete placement, including forming, delivery, conveyance, placement, concrete mixes, cleaning water, oil and lubricants, and chemicals are controlled to avoid contamination of reservoir, creek and wetlands.

3.15 DEFECTIVE CONCRETE

A. Repair or replacement of Defective Concrete will be determined by Engineer, and shall be repaired or replaced by Contractor at direction of Engineer and at no additional cost to the Owner.

B. Do not patch, fill, touch-up, repair, or replace exposed concrete except upon express direction of Engineer for each individual area.

3.16 CONSTRUCTION TOLERANCES

Except as specified otherwise, a plus tolerance increases and a minus tolerance decreases the dimension to which it applies. A tolerance without sign means plus or minus. Where only one sign is specified, there is no limit in the other direction. Tolerances are not cumulative. The most restrictive tolerance will control.

A. Level and grade tolerance measurements of slabs shall be made as soon as possible after finishing. When forms or shoring are used, the measurements shall be made prior to removal.

B. Construction tolerances shall meet the requirements of ACI 117 and any of the following requirements that are applicable.

TABLE 1 TOLERANCES FOR FORMED SURFACES	
1. Variation from the plumb:	
a. For all surfaces but specified:	+/- 1/2 inch
b. For surfaces supporting the watertightness system:	+/- 1/16 inch
2. Variation for the level:	
a. In exposed horizontal grooves and other conspicuous lines:	+/- 1/2 inch
a. Crest of the bucket:	+/- 1/4 inch
3. Variation of the linear building lines from established position in plan:	
a. For all surfaces but specified:	+/- 1/2 inch
b. Upstream to downstream length:	+/- 1/4 inch
c. Right abutment to left abutment length:	+ 1/4 inch / - 1/4 inch
4. Variation in the sizes and locations of floor openings and wall opening:	
a. Centerlines of embedments in fusegates:	+/- 1/4 inch
b. Position of voids for grouted anchors for fusegates watertightness system:	+/- 1/8 inch
c. Size of voids for grouted anchors for fusegate watertightness system:	+ 1/4 inch / - 1/2 inch
d. Drain hole:	+/- 1/4 inch
e. All others:	+/- 1/2 inch
5. Thickness:	+/- 1/4 inch
6. Angular deviation of sides:	1/4 inch max
7. Deviation from square:	1/4 inch max
8. Position of reinforcement:	as per ASTM

C. Appearance: Permanently exposed surfaces shall be cleaned, if stained or otherwise discolored, by a method that does not harm the concrete and that is approved by the Engineer.

3.17 FIELD QUALITY CONTROL

A. Meet the applicable requirement of Section 01 40 00 - Quality Requirements.

B. Meet the applicable requirement of Section 01 70 00 - Execution and Closeout Requirements.

C. Owner's staff and testing laboratory will perform field inspection and testing in accordance with applicable codes and standards.

D. Concrete inspection and testing schedules shall be as specified and at the discretion of Owner's Representative and/or Engineer, but will likely include, at a minimum:

1. Testing of deliveries for concrete temperature, air entrainment and slump. Inspector may reject any load that does not meet the specifications herein at no additional cost to Owner.
2. Continuous placement inspection for proper installation procedures.

3. Records of concrete placement, including at a minimum, date and time, location, quantity, air and concrete temperature and test samples taken.
4. Periodic curing inspection for specified curing temperature and procedures.
5. Strength test sampling and testing.
6. Core compressive strength testing.

E. Provide free access to work areas and cooperate with the Engineer's and Owner's staff and contractors.

F. Maintain and provide copies of signed delivery tickets showing the time of loading, the revolution counter reading at the time of loading and the quantities of materials used for each load of concrete.

G. Allow Engineer to inspect concrete surfaces immediately upon removal of forms.

H. Excessive honeycomb or embedded debris in concrete is not acceptable. Notify Engineer upon discovery.

I. Permanently exposed surfaces shall be cleaned, if stained or otherwise discolored, by a method that does not harm the concrete and that is approved by the Engineer.

J. All joints in waterstops shall be subject to inspection for misalignment, bubbles, inadequate bond, porosity, cracks, offsets, and other defects, which would reduce the potential resistance of the material to water pressure at any point.

K. The following waterstop defects represent a partial list of defects which shall be grounds for rejection:

1. Offsets at joints greater than 1/16-inch or 15 percent of material thickness, at any point, whichever is less.
2. Exterior crack at joint, due to incomplete bond, which is deeper than 1/16-inch or 15 percent of material thickness, at any point, whichever is less.
3. Any combination of offset or exterior crack which will result in a net reduction in the cross section of the waterstop in excess of 1/16-inch or 15 percent of material thickness at any point, whichever is less.
4. Misalignment of joint, which results in misalignment of the waterstop in excess of 1/2 inch in 10 feet.
5. Porosity in the welded joint as evidenced by visual inspection.
6. Bubbles or inadequate bonding which can be detected with a penknife test. If, while prodding the entire joint with the point of a pen knife, the knife breaks through the outer portion of the weld into a bubble, the joint shall be considered defective.

L. Rejected waterstops shall be replaced at direction of Engineer and at no additional cost to Owner.

END OF SECTION

SECTION 35 50 13

METAL FABRICATIONS FOR FUSEGATE STRUCTURES

PART 1 GENERAL

1.1 SUMMARY

A. This Section addresses the preparation of shop drawings, fabrication, and placement or installation of metal hardware related to seals and embedments for cast-in-place concrete for the Fusegate Structures. This Section also address the equipment and assembly of equipment used for the lifting the completed Fusegate Structure for establishing the weight and center of gravity of each Fusegate.

B. Related Sections:

1. Section 35 11 13 – Structural Concrete Forming for Fusegate Structures.
2. Section 35 15 13 – Watertightness System for Fusegate Structures.
3. Section 35 31 01 – Cast-In-Place Structural Concrete for Fusegate Structures.
4. Section 35 70 00 – Mass Concrete for Ballast Concrete for Fusegate Structures.

1.2 MEASUREMENT AND PAYMENT

A. The basis for measurement and payment is provided in Section 01 22 00 – Measurement and Payment.

1.3 REFERENCES

A. American Welding Society (AWS):

1. AWS A5.9/A5.9M – (2006, R 2007) Specification for Bare Stainless Steel. Welding Electrodes and Rods.

B. American Institute of Steel Construction (AISC):

1. AISC 303 – Code of Standard Practice for Steel Buildings and Bridges.
2. AISC 360 – Steel Construction Manual.

C. ASME International (ASME):

1. ASME B18.21.1 – (2009) Washers: Helical Spring-Lock, Tooth Lock, and Plain Washers (Inch Series).
2. ASME B18.22.1 – (1965, R 2008) Plain Washers.

D. ASTM International (ASTM):

1. ASTM A276 – Standard Specification for Stainless Steel Bars and Shapes.

1.4 SUBMITTALS

A. Meet the applicable requirements of Section 01 33 00 - Submittal Procedures.

B. Product Data: Provide manufacturers product data for the following products:

1. Stainless steel bolts, threaded rods, nuts, and washers.
2. Stainless steel plates and bars.
3. Epoxy-resin grout.
4. Welding electrodes and rods.

C. Shop Drawings:

1. Submit shop drawings for each fabricated item for review by the Engineer, including the following information:
   a. Details of fabrication and demonstrating compliance with specification requirements. Include dimensions, sizes, finishes, fasteners, welds, and materials of construction.
   b. For standard manufactured items, submit catalog worksheets showing illustrated cuts of items to be furnished, including scale details, dimensions, and materials.
   c. Reference all construction materials by ASTM designations and grades.
   d. Submit detailed placement or erection drawings indicating locations of fabricated items.
   e. Verify all dimensions to ensure proper fit of all fabricated items.
   f. Reproduce Engineer's notes regarding placement of embedments and installation of hardware.
2. Review of shop drawings will be for reinforcing size, spacing, and general detail only, excluding quantities, lengths, and fit of materials.
3. Reproductions of Contract Drawings shall not be used for shop drawings.

D. Quality Control Submittals:

1. Submit certified copies of mill reports, evidencing compliance with requirements of Specifications.
2. Submit copies of laboratory testing and inspection reports.
3. Submit copies of calibration tests for jacks and gauges performed by a certified laboratory.

1.5 QUALIFICATIONS OF WELDERS

A. Qualified welders in accordance with AWS A5.9/A5.9M. Use procedures, materials, and equipment of the type required for the work.

1.6 INSPECTION AND TESTS

A. The right is reserved to reject any material at any time before final acceptance if the Engineer finds material and/or workmanship that do not conform to Specification requirements. Acceptance of any material shall not prevent its rejection later if defects are discovered. Any installed materials which are rejected by the Engineer shall be removed and replaced by the Contractor to the satisfaction of the Engineer at no additional cost to the Owner.

1.7 DELIVERY AND STORAGE

A. Store metal work and related materials, either plain or fabricated, above ground on platforms, skids, or other supports. Keep materials free from dirt, grease, and other foreign matter and protect from corrosion. Remove and replace damaged items with new items.

PART 2 PRODUCTS

2.1 MATERIALS

A. Adhesive Anchors: Provide 3/8 inch minimum diameter stainless steel anchors. Anchors, washers, bolts, and nuts shall be stainless steel Type 304 conforming to ASTM A276. Epoxy-Resin Grout adhesive system shall be a proprietary system produced by a manufacturer of epoxy anchor systems, submerged application, equivalent to strengths obtained with Simpson SET Epoxy-Tie Adhesive System, by Simpson Strong-Tie Anchor Systems, Columbus, Ohio, or Hilti HVA HIT HY 200 Epoxy Adhesive System, by Hilti North America. Minimum concrete embedment shall be shown on the Drawings.

B. Deflectors: Plates and fasteners shall be fabricated from stainless steel conforming to ASTM A276 Type 304L. Welding shall be in accordance with AWS A5.9/A5.9M.

C. Intake Wells: Plates and fasteners shall be fabricated from stainless steel conforming to ASTM A276 Type 304L. Welding shall be in accordance with AWS A5.9/A5.9M. Fabrication tolerances are plus 0 inches, minus 1/4 inch in any single length, and minus 3/8 inch maximum variation from theoretical location.

D. Watertightness System: Plates and fasteners shall be fabricated from stainless steel conforming to ASTM A276 Type 304L alloy. Welding shall be in accordance with AWS A5.9/A5.9M. Rubber seal gaskets shall be in accordance with Section 35 15 13 – Watertightness System for Fusegate Structures.

PART 3 EXECUTION

3.1 COORDINATION

A. Coordinate all metalwork with adjoining work for details of attachment, embedment, fittings, etc., for the proper clearances and avoidance of conflicts.

3.2 FABRICATION AND INSTALLATION

A. General Requirements: Except as otherwise specified, fabricate and install structural steel and miscellaneous metalwork in conformance with the requirements of the AISC 360. Install items at locations indicated, according to manufacturer's instructions. Verify all measurements and take all field measurements necessary before fabrication. Exposed fasteners shall be of compatible materials, shall generally match in color and finish, and harmonize with the material to which fasteners are applied. Include materials and parts necessary to complete each item, even though such work is not definitely shown or specified. Poor matching of holes for fasteners shall be cause for rejection. Conceal fasteners where practicable. Thickness of metal and details of assembly and supports shall provide strength and stiffness. Form joints exposed to the weather shall be formed to exclude water. Items listed below require additional procedures.

B. Workmanship: Provide miscellaneous metal work that is well formed to shape and size, with sharp lines and angles and true curves. Drilling and punching shall produce clean true lines and surfaces. Provide continuous welding along the entire area of contact except where take welding is permitted. Do not tack weld exposed connections of work

in place and grind smooth. Provide smooth finish on exposed surfaces of work in place and unless otherwise approved, flush exposed riveting. Mill joints where tight fits are required. Corner joints shall be coped or mitered, well formed, and in true alignment. Accurately set work to establish lines and elevations and securely fasten in place. Install in accordance with manufacturer's installation instructions and approved drawings, cuts, and details.

C. Anchorage, Fastenings, and Connections: Provide anchorage where necessary for fastening miscellaneous metal items securely in place. Include for anchorage not otherwise specified or indicated slotted inserts, expansion shields, and powder-driven fasteners, when approved for concrete. Provide non-ferrous attachments for non-ferrous metal. Make exposed fastenings of compatible materials, generally matching in color and finish, to which fastenings are applied. Conceal fastenings where practicable. Polyurethane caulking shall be placed in every bolt hole before washers and nuts are installed.

D. Bolting: All bolted connections shall be in conformance with applicable provisions of AISC 360. Pre-set anchor bolts by the use of templates. After anchor bolts have been embedded, protect their heads by applying grease and by having the nuts screwed on until the time of installation of the equipment or metalwork.

E. Welding: Perform welding, welding inspection, and corrective welding, in accordance with ASW A5.9/A5.9M. Use continuous welds on all exposed connections. Grind visible welds smooth in finished installation.

F. Intake Wells: Install intake wells as shown. Tolerances shall be as follows:

1. Variation in level or grade: Plus or minus 1/4 inch in any 20 feet.
2. Alignment: Plus or minus 1/2 inch.

3.3 WEIGHING

A. The Fusegates shall be lifted prior to the installation of the watertightness system. The lifting operation shall determine the weight and center of gravity of each Fusegate.

1. Lifting Equipment: The lifting equipment shall consist of four (4) hydraulic cylinders, each with 100 kip capacity, connected to a manifold, which is connected to a hydraulic pump. The pressure in each cylinder shall be monitored by pressure gauges and controlled by needle valves.
   a. The hydraulic pump shall have the capacity to power the four (4) hydraulic cylinders simultaneously through a lifting range of 1.5 inches. The pump may be powered by a gasoline or diesel engine or electric motor.
   b. The manifold shall serve as the control center for the jacking operation. The pump shall be connected to the manifold. Supply and return hydraulic hoses, with pressure gauges and needle valves, shall connect the manifold to each cylinder.
   c. The dimensions of the hydraulic cylinders shall be such that they fit under the Fusegate lifting corbels. The stroke shall be 1.5 inches minimum if precast slab forms are used or 1.5 inches minimum if formwork used to form the bottom of the chamber.
   d. The length of the hydraulic hoses shall be sufficient to connect the manifold to each cylinder. Return lines shall be easily distinguishable from pressure lines.

e. Four (4) pressure gauges shall be provided on each hose to measure the lifting force exerted on the Fusegates at each jacking point. If the gauges read in Tons of force they shall be calibrated to the hydraulic cylinders to provide accurate readings in Tons of force. Each gauge shall be marked to show the maximum operating pressure or force of the system. One pressure gauge shall be provided at the outlet of the hydraulic pump. Gauges shall be calibrated by a certified laboratory.

f. Needle valves shall be provided on each inlet hose to control the hydraulic pressure in each cylinder at all times.

2. Lifting Procedure: The cylinders shall be positioned such that the lifting force is centered on the jacking point. The theoretical force to be exerted by each jack are given in the table below:

Location	Theoretical Force (kips)
Downstream Jacks, Right and Left 1a and 1b, Respectively	50
Upstream Jacks, Right and Left 2a and 2b, Respectively	40

The maximum force exerted by any single jack shall note exceed 110 percent of the theoretical forces. Forces shall be applied gradually to each jack:

Step 1: All jacks needle valves shall be opened until a force of 35 kips is applied to each jack.

Step 2: Close the needle valves for jacks 1a and 1b. Increase the force in jacks 2a and 2b in 0.2 kip increments and inspect the Fusegate after applying each increment of lifting force.

Step 3: Close the needle valves for jacks 2a and 2b when the upstream side of the Fusegate has been raised above the spillway slab 1/8 inch minimum and 1/2 inch maximum (tolerance). A gap between the Fusegate and the sill must be visible all over the surface.

Step 4: Open the needle valves for jacks 1a and 1b. Increase the force in 0.5 kips increments up to 45 kips and in 0.2 kip increments above 45 kips. Inspect the Fusegate for movement after each increment. Stop jacking when the downstream side of the Fusegate has been raised above the spillway slab such that the base of the Fusegate is horizontal. Apply minor adjustments to the jacks 2a and 2b to achieve a horizontal base.

Step 5: Read all of the pressure gauges and record the pressures to determine the lifting force on each jack. When the pressure readings have been completed, the Fusegate shall be lowered per Steps 6 and 7.

Step 6: Open the return valve to the tank and place the pump in the neutral position. Open the needle valve to jacks 2a and 2b a small amount, until the upstream side of the Fusegate contacts the spillway slab, then close the needle valves.

Step 7: Open the needle valves to jacks 1a and 1b until the downstream side of the Fusegate contacts the spillway slab. Gradually reduce the force in all jacks to zero.

B. Watertightness System: The installation of the watertightness system seal gasket shall be undertaken according to the guidelines from Hydroplus. The vertical and horizontal seal gaskets are to be installed within 1/8 inch of location. Apply a thread locking compound (removable grade) to all bolts. Install seal with positive compression set to insure sealing. See Section 35 15 13 – Watertightness System for Fusegate Structures.

END OF SECTION

SECTION 35 70 00

MASS CONCRETE FOR BALLAST CONCRETE FOR FUSEGATE STRUCTURES

PART 1 GENERAL

1.1 SUMMARY

A. This Section addresses the furnishing, placing, and curing of mass concrete for ballast concrete for the Fusegate Structures.

B. Related Sections:
1. Section 35 11 13 – Concrete Forming for Fusegate Structures.
2. Section 35 15 13 – Watertightness System for Fusegate Structures.
3. Section 35 20 01 – Concrete Reinforcement for Fusegate Structures.
4. Section 35 31 01 – Cast-In-Place Structural Concrete for Fusegate Structures.
5. Section 35 50 13 – Metal Fabrications for Fusegate Structures.

1.2 MEASUREMENT AND PAYMENT

A. The basis for measurement and payment is provided in Section 01 22 00 – Measurement and Payment.

1.3 REFERENCES

A. American Concrete Institute (ACI):
1. ACI 117 – Specifications for Tolerances for Concrete Construction and Materials and Commentary.
2. ACI 207.1 – Guide to Mass Concrete.
3. ACI 211.1 – Standard Practice for Selecting and Proportioning for Normal, Heavyweight and Mass Concrete.
4. ACI 304R – Guide for Measuring, Mixing, Transporting, and Placing Concrete.
5. ACI 304.2R – Placing Concrete by Pumping Methods.
6. ACI 305 – Standard Specification for Hot Weather Concreting.
7. ACI 306.1 – Standard Specification for Cold Weather Concreting.
8. ACI 308.1 – Standard Specification for Curing Concrete.
9. ACI 309 – Guide for Consolidation of Concrete.
10. ACI 318 – Building Code Requirements for Structural Concrete and Commentary.
11. ACI 350 – Code Requirements for Environmental Engineering Concrete Structures.

B. ASTM International (ASTM):
1. ASTM C1017/C1017M – Standard Specification for Chemical Admixtures for Use in Producing Flowing Concrete.
2. ASTM C1218/C1218M – Standard Test Method for Water-Soluble Chloride in Mortar and Concrete.
3. ASTM C1260 – Standard Test Method for Potential Alkali Reactivity of Aggregates (Mortar-Bed Method).
4. ASTM C150/C150M – Standard Specification for Portland Cement.
5. ASTM C260 – Standard Specification for Air- Entraining Admixtures for Concrete.

6. ASTM C309 – Standard Specification for Liquid Membrane-Forming Compounds for Curing Concrete.
7. ASTM C33/C33M – Standard Specification for Concrete Aggregates.
8. ASTM C441/C441M – Standard Test Method for Effectiveness of Pozzolans or Ground-Blast Furnace Slag in Preventing Excessive Expansion of Concrete Due to the Alkali-Silica Reaction.
9. ASTM C494/C494M – Standard Specification for Chemical Admixtures for Concrete.
10. ASTM C618 – Standard Specification for Coal Fly Ash and Raw or Calcined Natural Pozzolan for Use in Concrete.
11. ASTM C685/C685M – Standard Specification for Concrete Made By Volumetric Batching and Continuous Mixing.
12. ASTM C94/C94M – Standard Specification for Ready-Mixed Concrete.
13. ASTM C920 – Standard Specification for Elastomeric Joint Sealants.

1.4 SUBMITTALS

A. Meet the applicable requirements of Section 01 33 00 - Submittal Procedures.

B. Concrete Placement Plan: Submit a plan detailing approach and schedule for formwork, concrete mix specifications and testing, concrete delivery, placement, curing, protection, and finishing for review and approval by Engineer prior to initiation of concrete work. Plan shall include:
1. Method of determining the location of the limits and elevation for each placement.
2. Overall schedule of concrete placement, including sequence and timing of formwork and placement, stripping, finishing and joint construction.
3. Rate of concrete placement and management of resulting traffic loads.
4. Conveyance plan, including belts, conveyors, concrete pumps, etc.
5. Consolidation plan, including specifications of proposed vibratory and other equipment.
6. Method and materials used to prepare Mass Concrete lift joints.
7. Curing medium and methods to be used in conformance with applicable standards.
8. Cold-weather placing plan, including proposed materials, methods, and protection and conforming to requirements of applicable standards.
9. Hot-weather placing plan, including proposed materials, methods, and protection and conforming to the requirements of applicable standards.

C. Concrete Materials Statement: Submit materials and mix proportions (including admixtures) proposed for concrete at least 30 days prior to initiation of work. Statement shall include results of mix designs and laboratory testing including:
1. Concrete supplier proposed and location of plant or plants at which concrete will be batched.
2. Mix designation and identification.
3. Mix proportions based on SSD aggregates and one cubic yard.
4. Moisture content of aggregates as used in trials and corrections for aggregate weights used.
5. Specific gravity and absorption of aggregates.
6. Admixture source and dosage.
7. Yield and wet unit weight.
8. Strength results and unit weights of cylinders.

9. Strength requirements, both the design strength and the required average strength with the applicable ASTM C94 over design factor.
10. Cement and fly ash source.
11. Aggregate source, gradation, and quality (including results of ASTM C1260).
12. Mix temperature.
13. Slump, design and actual.
14. Air content, design and actual.
15. For mixes with high-range, water reducer present, the slump and air content at 15 to 20 minute time increments.

D. Concrete Materials Statement shall be accompanied by test reports from an accredited laboratory, which shows that proposed materials and proportions yield a concrete quality required by this Section. No substitutions shall be made in the source or type of materials used in the work without additional tests to demonstrate that the quality of the substituted materials and new concrete are satisfactory.

E. Delivery Tickets: Ready-mixed concrete producer shall furnish duplicate delivery tickets. Contractor shall retain one ticket and submit other ticket to Engineer at time of concrete delivery. Delivery tickets shall indicate delivery date, mix, cement content, admixtures, and amount of water.

1.5 QUALITY REQUIREMENTS

A. Perform work in accordance with ACI 207.1 and ACI 350 and all requirements of this section and related sections of this specifications.

B. Conform to ACI 305 when concreting during hot weather.

C. Conform to ACI 306 when concreting during cold weather.

D. Acquire cement, fly ash, admixtures, and aggregates for the work from a single source for each material.

1.6 DEFINITIONS

A. Mass Concrete Joint (Lift Joint): A planned horizontal joint extending the width and length of an individual placement block between two mass concrete placements. Development of bond between the two placements is required. Unless otherwise specified, the spacing between lift joints shall not exceed 5 vertical feet. A waterstop is not required at the Mass Concrete Joint unless otherwise specified or shown on the drawings.

B. Abrupt Surface Irregularities: Offsets and fins in formed concrete surfaces resulting from displaced, mismatched, or misplaced forms, sheathing, or liners or from defects in forming materials. Abrupt irregularities shall be measured within one inch of the irregularity.

C. Gradual Surface Irregularities: Irregularities in formed concrete surfaces resulting from warping and similar uniform variations from planeness or true curvature. Gradual surface irregularities shall be measured by determining gap between concrete and near surface along a five (5) foot straightedge, measured between contact points.

D. Defective Concrete: Concrete not conforming to required lines, details, dimensions, tolerances, or specified requirements.

1.7 COORDINATION

A. Concrete shall not be placed in immediate adjacent slabs or immediate adjacent lifts of walls until abutting concrete has been in place for at least five (5) days.

B. Locate and construct joints as shown on Drawings. Relocation, addition, or elimination of any joint shall be subject to written approval of Engineer.

C. Coordinate placement of embedments, with erection of concrete formwork and placement of form accessories.

PART 2 PRODUCTS

2.1 MATERIALS

A. Cement: ASTM C150, Type I or II, low-alkali containing less than 0.60 alkalis. Cement used throughout the work shall be uniform in color.

B. Pozzolan:
1. ASTM C618, Class F, fly ash having the following properties:
    a. Loss on ignition limited to a maximum of 2.5 percent.
    b. Containing less than 4 percent sulfur trioxide by weight.
2. Pozzolan shall be furnished from the same source and supplier for all concrete and that used in the submitted mix designs. Pozzolan from another source other than source noted in the approved mix design will be rejected.
3. Pozzolan color shall not substantially alter the resulting concrete from the normal gray color and appearance.

C. Aggregates:
1. Conform to ASTM C33. Local aggregates not complying with ASTM C33, but which have shown by test and actual service to produce concrete of adequate strength and durability may be submitted for approval.
2. Aggregates shall be non-reactive for alkali-silica reactivity (ASR) and shall be washed before use. Aggregates shall not be sourced from quarries where potential alkali reactivity expansion of aggregates as determined by ASTM C1260 exceed 0.10 percent at 16 days. In addition, aggregates from the following North Carolina quarries have been shown to have ASR aggregates and shall not be used:
    a. Princeton Quarry, Princeton, N.C., operated by Hanson, Inc.
    b. Asheboro Quarry, Asheboro, N.C., operated by Martin Marietta Aggregates.
    c. Bakers Quarry, Bakers, N.C., operated by Martin Marietta Aggregates.
    d. Pomona Quarry, Greensboro, N.C., operated by Martin Marietta Aggregates.
    e. Thomasville Quarry, Thomasville, N.C., operated by Martin Marietta Aggregates.
    f. Gold Hill Quarry, Gold Hill, N.C., operated by Vulcan Materials Co.

3. Do not use aggregates containing soluble salts or other substances which cause stains on exposed concrete surfaces.
4. Aggregates for all concrete shall be from the same source quarry used to develop concrete mix design.
5. Fine aggregates and coarse aggregates shall be regarded as separate ingredients.
6. Fine Aggregates:
    a. Hard, dense, durable particles of either sand or crushed stone regularly graded from coarse to fine, free of loam, clay particles, lumps, and foreign material.
    b. Gradation shall conform to ASTM C33.
    c. Fine aggregates shall not exceed 40 percent by weight of the combined aggregate total.
    d. The fineness modulus of the fine aggregates shall not be less than 2.3 or more than 3.1, nor vary by more than 0.20 from the value assumed in selecting proportions of the concrete. If this value is exceeded, the fine aggregate is rejected unless suitable adjustments are made in proportions of the fine and coarse aggregates.
7. Coarse Aggregates:
    a. Clean, uncoated, processed aggregates free from clay, mud, loam, and other foreign material. Aggregates may be crushed natural rock, crushed stone, or washed natural or crushed gravel. Use of pit run gravel is not permitted.
    b. Gradation shall conform to ASTM C33 using NCDOT No. 57, 67, or 467M Stone.

D. Water: Water for mixing and curing shall be fresh, clean, potable, and free of injurious amounts of oil, acid, salt, alkali, organic matter, or other deleterious substances.

E. Admixtures:

1. Air Entrainment: Conform to ASTM C260 and be compatible with water reducing and any other admixtures. If air-entrainment cement is used, any additional air-entraining admixture shall be of the same type as that used in the cement.
2. Water Reducing Admixtures: Conform to ASTM C494, Type A. Use water reducing admixtures to increase workability of mix.
3. Set Retarders: ASTM C494, Type B, shall not be used in concrete, unless otherwise authorized in writing by Engineer.
4. Water Reducing Admixtures and Set Retarders: ASTM C494, Type D, shall not be used in concrete, unless otherwise authorized in writing by Engineer.
5. High Range Water Reducing Admixtures (HRWRA): Conform to ASTM C494, Type F. Use HRWRA to increase workability of mix.
6. High Range Water Reducing Admixtures and Retarders: Conforming to ASTM C494, Type G, shall not be used in concrete unless otherwise authorized in writing by Engineer.
7. Accelerating Admixtures: ASTM C494, Type C or E, shall not be used in concrete unless otherwise authorized in writing by Engineer.

2.2 FORMWORK

A. Comply with Section 35 11 13 – Structural Concrete Formwork.

2.3 CONCRETE REINFORCEMENT

A. Comply with Section 35 20 01 – Concrete Reinforcement.

2.4 CONCRETE MIX

A. Contractor shall be responsible for initial mix design and related testing to the mix design, which shall conform to the following requirements:

1. All materials used in the work shall be subject to inspection and tests at the batch plant and at the job site.
2. Laboratories and personnel used by the Contractor for testing and mix design shall conform to ASTM E329 and the guidance of the ASTM "Manual of Aggregate and Concrete Testing."
3. Prepare design mix on the basis of compressive strength by methods recommended by ACI 350.
4. Proportion mixes by laboratory trial batch method using materials to be employed on project. Prepare test specimens in accordance with ASTM C192 and conduct strength tests in accordance with ASTM C39, as specified in ACI 301.
5. Water-cement ratios of the mix shall be determined from a water-cement ratio curve plotted from tests run at constant slump of the cement and aggregates used on the job. Mix shall be run using both the maximum slump and air content and the design slump and air content. The strength of the mix at design slump and air content shall meet the specified design strength plus the applicable overdesign factor as stipulated in ASTM C94, Table 4 – Average Strength Requirements for Limited Probability of Tests Falling below the Specified Strength, to one out of every 10 tests.
6. Concrete mix shall be designed using the minimum water possible subject to workability requirements.

B. Contractor shall provide production concrete conforming to ASTM C94, including the applicable overdesign factor of Table 4 for limiting the probability of tests falling below the specified strength (f'c) to one out of every ten tests. The mixes shall conform to the general guidance list below.

C. Strength requirements are for 28 days of age, unless otherwise noted. Contractor may provide stronger mixes within guidelines given below that allow for higher early strengths if necessary for form removal and to assist schedule. Contractor shall be responsible for evaluating construction loads and controlling concrete operations so that Contractor does not overload or damage the structure.

D. The requirements for mass concrete are as follows:

Specified Design Strength @ 28 days:	2,500 psi
Concrete Density	149 pcf
Maximum Size Aggregate:	1.5 inch
Maximum Water-Cement Ratio:	0.45

E. Air Content: Air content as delivered to the forms and as determined by ASTM C231 shall be between 4 and 6 percent.

F. Slump: The slump shall be determined in accordance with ASTM C143/C143M and shall be 4 inches, plus or minus one inch. Where placement by pump is approved, the slump shall be taken after the pump and shall not exceed 6 inches. Water shall not be added to the concrete mix on site.

G. Pozzolan: If pozzolan is used in the concrete mixture, the minimum pozzolan content shall be 15 percent of the total cementitious material and the maximum percentage shall be 50 percent.

H. The consistency of the concrete shall be such as to allow it to be worked into place without segregation or excessive latency.

I. The quantities of cement and aggregates in each batch of concrete, as indicated by the scales, shall be within the following percentages of the required batch weights:

1. Cement and fly ash – plus or minus one percent.
2. Aggregates – plus or minus two percent.
3. Water – plus or minus one percent.

J. Calcium Chloride or other accelerators or anti-freeze compounds will not be allowed.

2.5 CONCRETE ACCESSORIES

A. Curing and Sealing Compound: Liquid membrane-forming compound for curing concrete, ASTM C309, clear type.

PART 3 EXECUTION

3.1 MIXERS AND MIXING

A. Concrete may be furnished by batch mixing at or near the site or by ready mix methods. Batch plants shall conform to requirements of North Carolina Department of Transportation specifications for automatic proportioning equipment and as specified herein, and shall be previously approved by Department of Transportation.

B. Mixers shall be capable of thoroughly mixing concrete ingredients into a uniform mass within the specified mixing time and of discharging the mix without segregation. Each mixer or agitator shall bear a manufacturer's rating plate indicating rated capacity and recommended speeds of rotation, and shall be operated in accordance with these recommendations.

C. Concrete shall be uniform and thoroughly mixed when delivered to the Work. Variations in slump of more than one inch within a batch will be considered evidence of inadequate mixing and shall be corrected by changing batching procedures, increasing mixing time, changing mixers, or other means. Mixing time shall be within limits specified below unless Contractor demonstrates by mixer performance tests that adequate uniformity is obtained by different times of mixing. For this purpose, the testing program and uniformity requirements shall be as set forth in ASTM C94.

D. No mixing water in excess of amount called for by job mix shall be added to concrete during mixing or hauling or after arrival at delivery point. Mix shall be tempered using

a water reducing admixture or high range water reducing admixture instead of water at point of delivery.

E. For concrete mixed at work site with stationary construction mixers, time of mixing after all cement, fly ash and aggregates are in the mixer drum shall be not less than 12 minutes. Batch shall be so charged into the mixer that some water will enter in advance of cement, fly ash and aggregates and all mixing water shall be introduced into drum before 3 minutes of mixing time has elapsed. Controls shall be provided to ensure that the batch cannot be discharged until required mixing time has elapsed.

F. When concrete is mixed in a truck mixer loaded to its maximum capacity, the number of revolutions of the drum or blades at mixing speed shall be not less than 70 or more than 100. If the batch is at least two cubic yards less than maximum capacity, the number of revolutions at mixing speed may be reduced to not less than 50. Mixing in excess of 100 revolutions shall be at speed designated by manufacturer of equipment as agitating speed. The mixing operation shall begin within 30 minutes after cement has been added to aggregates and water shall be added during mixing. When mixing is begun during or immediately after charging, a portion of mixing water shall be added ahead of, or with, other ingredients.

G. When concrete is partially mixed at a central plant and the mixing is completed in a truck mixer, the mixing time in the central plant mixer shall be the minimum required to intermingle ingredients and shall be not less than 30 seconds. Mixing shall be completed in a truck mixer and number of revolutions of drum or blades at mixing speed shall be not less than 50 or more than 100. Mixing in excess of 100 revolutions shall be at speed designated by manufacturer of equipment as agitating speed. Total number of revolutions shall not exceed 300 before discharge of concrete, unless otherwise specified.

H. For central-mixed concrete, mixing in stationary mixer shall meet same requirements as batch mixing at site. When an agitator, or truck mixer used as an agitator, transports concrete that has been completely mixed in a stationary mixer, mixing during transportation shall be at speed designated by manufacturer of equipment as agitating speed.

I. Use of non-agitating equipment to transport concrete to point of delivery will not be permitted.

3.2 EXAMINATION

A. Meet the applicable requirements of Section 01 30 00 - Administrative Requirements.

B. Verify requirements for concrete cover over reinforcement.

C. Verify that reinforcement and any other required embedments are accurately placed, positioned securely, and will not interfere with placing concrete.

3.3 PREPARATION

A. Coordinate placement of joint devices with erection of concrete formwork and placement of form accessories.

B. Prepare previously placed concrete by cleaning with steel brush, or by other means approved by the Engineer, to remove all laitance, coatings, dust, and debris.

C. Thoroughly wet wood forms immediately before placing concrete, as required, where form coatings are not used. Thoroughly saturate existing concrete one hour before placing new concrete against existing concrete. Maintain surface of existing concrete in a moist condition until new concrete is placed.

D. Remove debris and ice from formwork, reinforcement, and concrete substrates prior to concrete placement.

E. Remove standing water from areas receiving concrete before concrete is placed.

F. Contractor shall give at least twenty-four (24) hours' notice to Engineer each time he intends to place concrete. Such notice shall be far enough in advance to give Engineer adequate time to inspect forms, steel reinforcement and other preparations for compliance with Specifications and Drawings before concrete is delivered for placing.

G. Concrete shall not be placed until the forms and steel reinforcement have been inspected and approved.

H. Contractor shall have all equipment and materials required for curing available at the site ready for use before placement of concrete begins.

3.4 PLACING CONCRETE

A. Place concrete in accordance with ACI 207.1 and ACI 304 as applicable. Where requirements of this Section are more stringent than those of ACI 207.1, the requirements herein shall take precedence.

B. No concrete shall be placed except in presence of Engineer.

C. Concrete shall be conveyed from mixer to forms as rapidly as practicable, by methods that will prevent segregation of aggregates or loss of mortar.

1. Concrete shall be delivered to the site and discharged into the forms within 90 minutes after the introduction of cement to aggregates.
2. In hot weather or under conditions contributing to quick stiffening of concrete, the time between the introduction of cement to aggregates and discharge shall not exceed 45 minutes.
3. When temperature of the concrete is 80 degrees F or above, the time between the introduction of cement to aggregates and discharge shall not exceed 45 minutes.
4. Concrete temperature at the time of placing in forms shall be not less than 50 degrees F, nor more than 90 degrees F. In no case will concrete be accepted for use in the work if the mix temperature before placing is outside of this range.
5. The Contractor is solely responsible for development and implementation of his schedule and coordination with subcontractors and suppliers. It is incumbent upon the Contractor to adhere to the concrete placement temperatures specified regardless of the ambient conditions. The Contractor shall implement means as necessary to ensure that the concrete at the time of placement is within specified temperature limits. During hot weather, this may require shading and/or cooling aggregates, variable placement times or work hours, chilling water, adding ice,

implementation of admixtures and other means or methods as necessary. The Contractor's plan for controlling temperatures during hot and cold weather shall be thoroughly discussed in his Concrete Placement Plan. The cost of meeting specified temperature requirements shall be included in the Contractor's unit prices for concrete based on his schedule and expected ambient conditions.

D. Provide equipment for moving concrete to ensure a continuous flow of concrete. Provide runways for fixed wheeled conveying equipment. Keep interior surfaces of conveying equipment, including chutes, free of hardened concrete, debris, water, snow, ice and other deleterious substances.

E. Hoppers and chutes, pipes or "elephant trunks" shall be used as necessary to prevent splashing of mortar on forms and reinforcing steel above layer being placed.

F. Concrete shall not be dropped more than five feet vertically unless suitable equipment is used to prevent segregation.

G. Concrete shall be deposited as closely as possible to its final position in forms and shall be worked into corners and angles of forms and around all reinforcement and embedded items in a manner to prevent segregation of aggregates or excessive laitance.

H. Depositing of concrete shall be regulated so that the concrete may be consolidated with a minimum of lateral movement.

I. Elapsed Time for Placing Concrete: Concrete shall be delivered to any monolithic unit of a structure at a rate which will permit proper handling, placing, and finishing of the concrete; and shall be so regulated that the maximum interval between the placing of batches at the work site shall not exceed 20 minutes.

J. Internal stays and braces, serving temporarily to hold the forms in correct shape and alignment prior to placement of concrete at their locations, shall be removed when the concrete has been placed to an elevation such as to render their service unnecessary.

K. Placing Concrete into Forms: Deposit concrete in forms in horizontal layers not more than 20 inches thick and in a manner to avoid inclined construction joints.

L. Successive layers shall be placed at a fast enough rate to prevent the formation of "cold joints". If surface of a layer of concrete in place sets to the degree that it will not flow and merge with the succeeding layer when vibrated, Contractor shall discontinue placing concrete and shall make a construction joint. If placing is discontinued when an incomplete layer is in place, the unfinished end of the layer shall be formed by a vertical bulkhead. Forms shall be retightened before new concrete is deposited on or against concrete that has hardened. New concrete shall not be placed until the hardened concrete has cured at least 12 hours.

M. Ensure reinforcement, embedded parts, and adjacent areas are not disturbed during concrete placement.

3.5 CONSOLIDATION

A. Consolidate concrete, as per the requirements of the approved Concrete Placement Plan.

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B. Consolidate concrete immediately after it is placed in the work with internal type mechanical vibrators capable of transmitting vibration to the concrete at frequencies not less than 6000 impulses per minute.

C. Employ sufficient number of vibrators so that, at the required rate of placement, vibration is maintained throughout the entire volume of each layer of concrete and complete consolidation is secured.

D. Location, manner and duration of application of vibrators shall be such as to secure maximum consolidation of the concrete without causing segregation of the mortar and coarse aggregate, and without causing water or cement paste to flush to the surface.

E. Vibration shall be applied in the freshly deposited concrete by inserting and removing vibrator at points uniformly spaced and not farther apart than twice the radius over which the vibration is visibly effective. The vibrator shall extend into the previously placed layer of fresh concrete, at all points, to ensure effective bond between layers.

F. Vibration shall not be applied directly to reinforcement steel or forms, nor to concrete that has hardened to the degree that it does not become plastic when vibrated.

G. Use of vibrators to transport concrete in the forms or conveying equipment will not be permitted. Vibration shall be supplemented by spading and hand tamping as necessary to ensure smooth and dense concrete along form surfaces, in corners, and around embedded items and waterstops.

H. Close attention and additional effort will be necessary to adequately consolidate concrete adjacent to construction joints, at intermediate cutoff walls, sloping surfaces, and around embedded items.

3.6 MASS CONCRETE LIFT JOINTS

A. Comply with ACI 207.1 and as specified below.

B. Locate and install Mass Concrete Lift Joints at locations shown and as specified below. Contractor may submit alternate or additional joint locations for Engineer's approval.

C. Where feathered edge would be produced at a lift joint, an insert form shall be sued so that the resulting edge thickness on either side of the joint is not less than six inches.

D. For Mass Concrete Lift Joints, the surface shall be prepared by removing laitance debris and contaminants with high pressure water jetting. The aggregate shall be exposed, but not undercut. The cleaned surface shall be blown clean with air pressure or swept clean to remove all dust and debris after pressure washing.

E. Continue reinforcement across lift joints where shown.

F. Surfaces of concrete to be joined shall be clean, rough, and moist when new mass concrete is applied.

G. Joints shall be thoroughly moistened prior to placing concrete. Surfaces shall be kept moist for at least one hour prior to the placement of new concrete. The new concrete shall be placed directly on the cleaned and washed surface.

H. Steel tying and form construction adjacent to concrete in place shall not be started until the concrete has cured at least 12 hours.

3.7 REMOVAL OF FORMS

A. Forms shall be removed in accordance with the requirements of Section 35 11 13 – Structural Concrete Formwork.

B. Form removal shall be performed sequentially such that completion of finishing operations can be accomplished within four hours of form removal.

3.8 FINISHING FORMED SURFACES

A. Concrete formed surfaces shall be true and even, and shall be free from open or rough spaces, depressions, projections, or other defects in the specified surface finish or alignment. Over tolerance depressions or projections as defined in Table 1 will not be allowed to accumulate. Finishing of formed surfaces shall be as specified below and shall be performed immediately upon removal of forms.

B. All form bolts and ties shall be removed to a depth at least one inch below surface of concrete. Cavities produced by form ties and other holes of similar size and depth shall be thoroughly cleaned and, after interior surfaces have been kept continuously wet for at least three hours, shall be carefully packed with a dry patching mortar (pre-shrunk) mixed not richer than one part cement to three parts sand.

1. Holes left by form bolts or straps which pass through the wall shall be filled solid with mortar.
2. Patching mortar shall be thoroughly compacted into place to form a dense, well-bonded unit, and the in-place mortar shall be sound and free from shrinkage cracks. Cure patched areas as specified.

C. Provide standard rough finish to formed sides of ballast blocks. Standard rough finish shall be the concrete surface having a texture imparted by form facing materials. Repair defective concrete, fill form tie holes and surface depressions deeper than one inch, and remove or smooth fins and abrupt projections which exceed ¼ inch.

D. At top of ballast blocks, strike off and finish with texture matching adjacent formed surfaces.

3.9 CURING AND PROTECTION

A. Immediately after placement, protect concrete from premature drying, excessively hot or cold temperatures, and mechanical injury, as per the requirements of the approved Concrete Placement Plan.

B. Concrete shall be prevented from drying for a curing period of at least 7 days after being placed. Exposed surfaces shall be kept continuously moist for entire period. Moisture shall be maintained by sprinkling, flooding or fog spraying, or by covering

with continuously moistened canvas, cloth mats, straw, sand or other approved material. Wood forms left in place during the curing period shall be kept wet. The use of curing compounds on concrete horizontal surfaces will not be permitted.

C. Formed surfaces shall be thoroughly wetted immediately after forms are removed and shall be kept wet until patching and repairs are completed. Water or coverings shall be applied in such a way that the concrete surface is not eroded or otherwise damaged. Water for curing shall be clean and free from any substance that will cause discoloration of the concrete. Special care shall be given to cold weather curing so as to maintain the required concrete temperature.

D. In lieu of water curing after patching and repairs are completed, Contractor may apply membrane-forming curing compound to vertical formed concrete surfaces in accordance with manufacturer's recommendation and as per the requirements of the approved Concrete Placement Plan and Construction Drawings.

1. Apply uniformly in a two-coat continuous operation by power spray equipment in accordance with manufacturer's directions.
2. Recoat areas which are subjected to heavy rainfall within three hours after initial application.
3. Maintain continuity and repair damage to coating during curing period.

E. Curing compound shall not be applied to surfaces requiring bond with subsequently placed concrete, such as construction joints, waterstops, reinforcing steel, and other embedded items.

F. Maintain concrete with minimal moisture loss at relatively constant temperature for period necessary for hydration of cement and hardening of concrete, as per the requirements of the approved Concrete Placement Plan.

3.10 CONCRETING IN COLD WEATHER

A. When atmospheric temperature is less than 40 degrees F at time concrete is delivered to work site, during placement, or at any time during the curing period, perform Work in accordance with ACI 306.1 – Cold Weather Concreting.

B. Protect concrete work from physical damage or reduced strength caused by frost, freezing actions, or low temperatures, in compliance with ACI 306.1.

C. Do not place concrete on frozen subgrade or on subgrade containing frozen materials. Ascertain that forms, reinforcement, and adjacent concrete surfaces are entirely free of frost, snow or ice before placing concrete.

D. Temperature of concrete at point of placement shall not be less than 50 degrees F. The temperature of neither aggregates nor mixing water shall be more than 100 degrees F just prior to mixing with the cement. No frozen materials or materials containing ice shall be used.

E. Methods of insulating, housing and heating concrete shall be utilized to protect the work, in accordance with ACI 306R – Cold Weather Concreting. Temperature of the concrete and air adjacent to the concrete shall be maintained at not less than 50 degrees F or more than 85 degrees F for the duration of the curing period.

F. When dry heat is used to protect concrete, means of maintaining an ambient humidity of at least 40 percent shall be provided unless the concrete has been coated with curing compound or is covered tightly with an approved impervious material. Concrete damaged by freezing shall be removed and replaced at the Contractor's expense.

3.11 CONCRETING IN HOT WEATHER

A. When climatic or other conditions are such that temperature of concrete may reasonably be expected to exceed 85 degrees F at time of delivery at work site, during placement, or during first 24 hours after placement, perform Work in accordance with ACI 305R – Hot Weather Concreting.

B. Contractor shall maintain temperature of Mass Concrete below specified maximum placement temperatures during mixing, conveying, and placing. Cool ingredients before mixing to maintain concrete temperature at time of placement. Mixing water may be chilled, or chopped ice may be used to control temperature provided water equivalent of ice is calculated in total amount of mixing water.

C. Concrete shall be placed immediately after mixing. Truck mixing shall be delayed until only time enough remains to accomplish mixing before concrete is placed.

D. Exposed concrete surfaces which tend to dry or set too rapidly shall be continuously moistened by means of fog sprays or otherwise protected from drying during the time between placement and finishing, and after finishing.

E. Finishing of slabs and other exposed surfaces shall be started as soon as condition of concrete allows and shall be completed without delay.

F. Concrete surfaces exposed to air shall be covered as soon as concrete has hardened sufficiently and shall be kept continuously wet for at least first 24 hours of curing period, and for entire curing period unless curing compound is applied as specified below.

G. Formed surfaces shall be kept completely and continuously wet for the duration of curing period (prior to, during and after form removal) or until curing compound is applied as specified below.

H. If moist curing is discontinued before the end of the curing period, curing compound shall be applied immediately, according to manufacturer's recommendations. This does not apply to Structural Concrete.

3.12 PROTECTION

A. Maintain standard concrete temperature after installation at minimum 50 degrees F for minimum 7 days.

B. Ensure that materials and activities associated with concrete placement, including forming, delivery, conveyance, placement, concrete mixes, cleaning water, oil and lubricants, and chemicals are controlled to avoid contamination of reservoir, creek and wetlands.

3.13 DEFECTIVE CONCRETE

A. Repair or replacement of Defective Concrete will be determined by Engineer, and shall be repaired or replaced by Contractor at direction of Engineer and at no additional cost to the Owner.

B. Do not patch, fill, touch-up, repair, or replace exposed concrete except upon express direction of Engineer for each individual area.

3.14 CONSTRUCTION TOLERANCES

Except as specified otherwise, a plus tolerance increases and a minus tolerance decreases the dimension to which it applies. A tolerance without sign means plus or minus. Where only one sign is specified, there is no limit in the other direction. Tolerances are not cumulative. The most restrictive tolerance will control.

A. Level and grade tolerance measurements of slabs shall be made as soon as possible after finishing. When forms or shoring are used, the measurements shall be made prior to removal.

B. Construction tolerances shall meet the requirements of ACI 117 and any of the following requirements that are applicable.

TABLE 1 TOLERANCES FOR FORMED SURFACES	
1. Variation from the plumb:	
a. For all surfaces but specified:	+/- 1/2 inch
2. Variation for the level:	
a. In exposed horizontal grooves and other conspicuous lines:	+/- 1/2 inch
a. Top of ballast block:	+/- 1/4 inch
3. Variation of the linear building lines from established position in plan:	
a. For all surfaces but specified:	+/- 1/2 inch
b. Upstream to downstream length:	+/- 1/4 inch
c. Right abutment to left abutment length:	+/- 1/4 inch
4. Centerlines of embedments in Ballast Block:	+/- 1/4 inch
5. Thickness:	+/- 1/4 inch
6. Angular deviation of sides:	1/4 inch max
7. Deviation from square:	1/4 inch max
8. Position of reinforcement:	as per ASTM

3.15 FIELD QUALITY CONTROL

A. Meet the applicable requirement of Section 01 40 00 - Quality Requirements.

B. Meet the applicable requirement of Section 01 70 00 - Execution and Closeout Requirements.

C. Owner's staff and testing laboratory will perform field inspection and testing in accordance with applicable codes and standards.

D. Concrete inspection and testing schedules shall be as specified and at the discretion of Owner's Representative and/or Engineer, but will likely include, at a minimum:

1. Testing of deliveries for concrete temperature, air entrainment and slump. Inspector may reject any load that does not meet the specifications herein at no additional cost to Owner.
2. Continuous placement inspection for proper installation procedures.
3. Records of concrete placement, including at a minimum, date and time, location, quantity, air and concrete temperature and test samples taken.
4. Periodic curing inspection for specified curing temperature and procedures.
5. Strength test sampling and testing.
6. Core compressive strength testing.

E. Provide free access to work areas and cooperate with the Engineer's and Owner's staff and contractors.

F. Maintain and provide copies of signed delivery tickets showing the time of loading, the revolution counter reading at the time of loading and the quantities of materials used for each load of concrete.

G. Allow Engineer to inspect concrete surfaces immediately upon removal of forms.

H. Excessive honeycomb or embedded debris in concrete is not acceptable. Notify Engineer upon discovery.

END OF SECTION

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RESOLUTION NO. 17- 109

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH SITE DESIGN STUDIO, PLLC FOR THE PROJECT KNOWN AS MONTFORD COMPLEX PHASE 1

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, in 2013 the City awarded a contract to Site Design Studio, PLLC for the design services for Montford Complex Phase 1 previously chosen through a qualifications based selection process; and

WHEREAS, in order to complete the project, permitting, bidding, and construction administration services are now required; and

WHEREAS, direct oversight and management by the designer/engineer of record is encouraged, to provide continuity and compliance with construction drawings, by the contractor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract amendment with Site Design Studio, PLLC to increase the existing contract in the amount of $64,000.00 for a total budget of $124,000.00 for the project known as Montford Complex Phase 1; and further authorizing the City Manager to execute any change orders to said contract which may arise during execution of said project up to the project budget.

Read, approved and adopted this the 13th day of June, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 17-110

RESOLUTION AUTHORIZING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR RIVERBEND MALT HOUSE IN CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and

WHEREAS, an existing manufacturing facility, Riverbend Malt House, is proposing to expand a facility within the City limits adding $9.5 Million in new capital investment in Machinery and Equipment and facility improvements; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering discretionary performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Clerk to advertise for a Public Hearing to be held on June 27, 2017, at 5:00 pm in Asheville City Council Chambers to consider an Economic Development Incentive Grant for up to but not to exceed $95,000 upon completion of the said project and terms of the performance contract.

Read and approved and adopted this 13th day of June, 2017.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION NO. 17-111

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT IN THE AMOUNT OF $222,255.00 PLUS A CONTINGENCY OF $33,338.25 (15%) WITH APPALACHIAN PAVING AND CONCRETE, INC. FOR THE PROJECT KNOWN AS CONCRETE MAINTENANCE AND ADA IMPROVEMENTS FOR FY 18.

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Concrete Maintenance and ADA Improvements FY 18, City of Asheville Project # ST-16-17-007; and

WHEREAS, Appalachian Paving and Concrete, Inc. of Swannanoa, NC was the lowest responsible bidder for the project, in the amount of $222,255.00, and

WHEREAS, the project involves the Repair of Concrete Infrastructure throughout the City; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $222,255.00 plus a contingency $33,338.25 (15%) with Appalachian Paving and Concrete Inc. for the project known as Concrete Maintenance and ADA Improvement FY 18.

Read, approved and adopted this the 13th day of June, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17- 112

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GRAHAM COUNTY LAND COMPANY, LLC FOR THE CONSTRUCTION OF THE CARRIER PARK VELODROME RENOVATIONS

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City has determined that the existing velodrome track has met or exceeded its useful life resulting in continual maintenance needs and conditions that constitute safety concerns for park users; and

WHEREAS, the identified renovation project will be funded and completed under the capital improvement fund; and

WHEREAS, aligns with the City Council 2036 Vision in that (1) Supports a smart city by maintaining and investing in the City's infrastructure; and (2) Supports a well-planned and livable community through the investment in parks and open-spaces; and

WHEREAS, will provide improved performance through ongoing care and maintenance of facilities as identified in the Parks, Recreation Cultural Arts, and Greenway Master Plan; and

WHEREAS, Graham County Land Company, LLC was selected as the lowest, responsible bidder as part of an Advertisement for Bids process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract for renovation of the velodrome at Carrier Park, with Graham County Land Company, LLC in the amount of $1,199,000.00 plus a contingency of $119,900 for a total of $1,318,900, and to execute any change orders to contract or documents which may arise during construction of project within the approved budget.

Read, approved and adopted this the 13th day of June, 2017.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

510

RESOLUTION NO. 17-113

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 421 AIRPORT ROAD PURSUANT TO N.C.G.S. 160A-31

WHEREAS, petitions requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the petitions have been signed by the owners of all the real property within the area described herein; and

WHEREAS, the City Clerk has investigated the sufficiency of the petition and has certified to the City Council the sufficiency thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Council Chamber on the Second Floor of the City Building at 5:00 PM on the 27th day of June 2017.

Section 2. The area proposed for annexation is as described on "Property Description" exhibit attached hereto. A map of the same subject property is attached hereto as "Property Map".

Section 3. Notice of the public hearing shall be published in the Asheville Citizen-Times, a newspaper having general circulation in the City of Asheville, at least ten (10) days prior to the date of the public hearing.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

Exhibit A

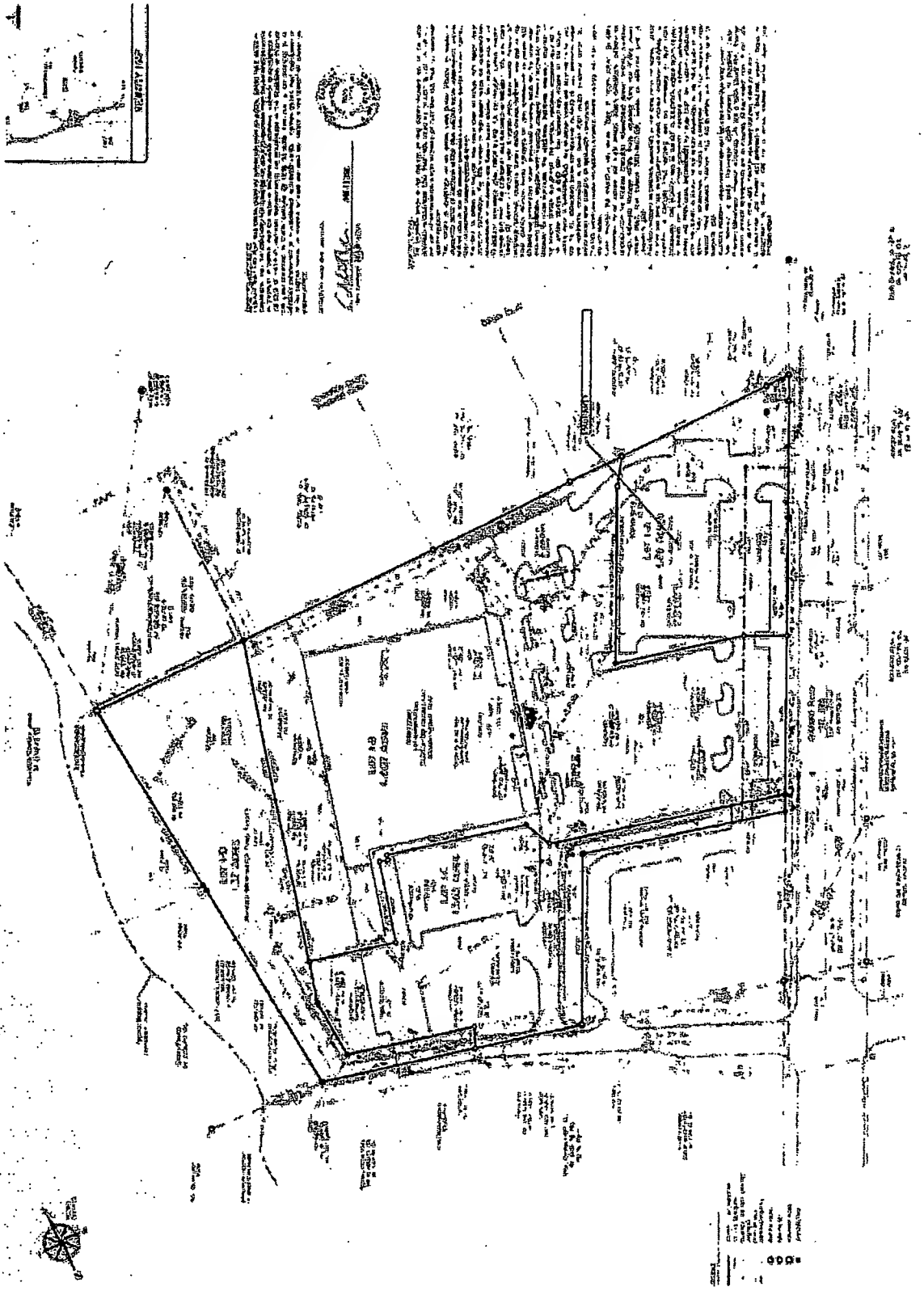
PROPERTY:

lying and being situate in Buncombe County, North Carolina, and being more particularly described as follows:

BEING all of Lot 1-A, containing 1.26 acres, as shown on subdivision plat for Magnolia Shopping Center, recorded in Plat Book 160 at Page 141 in the Buncombe County Public Registry, reference to which is hereby made for a more particular description.

512.

Exhibit B



RESOLUTION NO. 17- 114

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION LOW OR NO EMISSION VEHICLE PROGRAM

WHEREAS, pursuant to N.C.G.S. sec. 160A-17.1, the City is authorized to make contracts for and accept grants and loans from the federal and state governments and their agencies; and

WHEREAS, The Federal Transit Administration (FTA) has announced an opportunity for $55 million in FY 2017 funds for the Low or No Emission Bus Discretionary Grant Program for the purchase or low lease of low or no emission vehicles; and

WHEREAS, the FTA will reimburse up to 85 percent of the cost of the vehicles and up to 90 percent of the cost of equipment or facilities; and

WHEREAS, the City has identified projects that would be eligible for this funding and would help bring the bus fleet into a state of good repair and begin the conversion towards a zero emission fleet; and

WHEREAS, the local match would come from the General Fund Capital Improvement Program and Office of Sustainability; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville apply to the FTA's Low or No Emission Vehicle Program in order to purchase battery-powered buses and related charging equipment.

2. The City Council intends to provide the required local match if grant funding is awarded.

3. The City Manager is hereby authorized to sign and execute any and all documents, approved by the City Attorney, between granting or administering agencies and the City to accept the grant(s).

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

514

RESOLUTION NO. 17- 115

RESOLUTION AUTHORIZING THE LEASE OF CITY OWNED PROPERTY AT 338 HILLIARD AVENUE TO THE KASSINGER GROUP FOR AN AFFORDABLE HOUSING DEVELOPMENT

WHEREAS, N.C. Gen. Stat. Sec. 160A-456(B) authorizes the City to undertake community development programs and activities and to exercise those powers granted by law to municipal housing authorities; and

WHEREAS, N. C. Gen. Stat. Sec. 157-9, the City is authorized to lease property for multi-family affordable housing development where at least 20% of the units are affordable to households at 60% of AMI or less for at least 15 years and in so doing, is exempt from the property conveyance rules of G.S. 160A, Article 12 (i.e. private lease is permissible and competitive bidding is not required); and

WHEREAS, the City owns approximately .8 acre of real property located at 338 Hilliard Avenue, and has been identified by City Council as a valuable site for location of affordable and workforce housing, more particularly identified on the Buncombe County tax map as PIN No. 964818394200000; and

WHEREAS, at the direction of Council, the terms of lease and use were negotiated with the Kassinger Group, who submitted a qualified and timely proposal is response to the City's Request for Proposal for development of this property; and

WHEREAS, the terms of the lease negotiated include a land lease term for the subject property of fifty (50) years and an annual payment by the Kassinger Group of 10% Net Cash Flow annually for the subject property, and that the Kassinger Group has agreed to build 64 residential rental units on the site, and has further agreed to reserve thirty-three (33) of those units for households earning 80% Area Median Income (AMI) or less, with 13 of those units, or 20% of all units constructed, reserved for households earning 60% AMI or less, and meeting the affordability provisions for a period of fifty (50) years, as outlined in their proposal dated May 11, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to execute documents and convey to the Kassinger Group by private lease the City's interest in the real property located at 338 Hilliard Avenue, upon the terms proposed by the Kassinger Group, and upon the approval of the City Attorney;
2. The City Clerk is hereby authorized to publish a notice summarizing the contents of this resolution once after its adoption in a newspaper of general circulation within the City, and no lease shall be consummated hereunder until 10 days after publication of such notice.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17- 116

RESOLUTION TO APPROVE A LOAN FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, a qualified application for a Housing Trust Fund loan has been received from the Kassinger Development Group in support of their proposed 64 units mixed-income rental development to be located at 338 Hilliard Avenue; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposals from Kassinger Development Company, and has made its recommendation to Council to approve the loans;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A loan of $1,280,000 at 2.00% amortizing loan, with interest deferred until the project meets a 1.30 debt coverage ratio for its bank mortgage debt, for fifty (50) years to Kassinger Development Group for the development of sixty-four (64) mixed-income rental units called Aston Park, at 338 Hilliard Avenue, the former Parks Maintenance site; to be made immediately available for disbursement following loan closing. Thirty-three (33) of the total units are to be restricted to families earning 80% or less of the Area Median Income (AMI) with thirteen (13) of those units being restricted to families earning 60% AMI or less including voucher accepted (50% AMI). The affordable units shall have a fifty (50) year affordability period.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

516

RESOLUTION NO. 17- 117

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT AGREEMENT FOR ASTON PARK, 338 HILLIARD AVE. (KASSINGER DEVELOPMENT GROUP)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Aston Park development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, Asheville City Council, at their meeting of May 23, 2017 set a public hearing for June 13, 2017 to hear public comment regarding the Kassinger Development Group Land Use Incentive Grant application; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City Council, the Aston Park development located at 338 Hilliard Avenue will be a 64 unit multi-family rental development project that will fulfill an important public purpose, in that it will provide 33 units of affordable housing (defined as rents that require payment of no more than 30% of gross income for a household with an income not exceeding 80% of the area median income), with 13 of those units being for households earning 60% AMI or less (defined as rents that require payment of no more than 30% of gross income for a household with an income not exceeding 60% of the area median income), and will be located within .25 mile of a one-half hour frequency public transit route, within 1 mile of a job center in downtown, and .5 miles from a public amenity;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council hereby agrees to enter into a Land Use Incentive Agreement with Kassinger Development Group to support the development of the Aston Park project. The annual land use incentive grant will be the difference between the tax that would be assessed on the assumed value of the property at today, which is estimated to be $450,000, and the post-completion City tax, said grant amount currently estimated to be $291,430, the exact amount to be determined by the actual assessed value of the development upon completion. The grant is approved for a period of 10 years and a 100% fee rebate is approved.
2. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 17 – 118

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A PROJECT TO IMPROVE PEDESTRIAN SAFETY ALONG A PORTION OF US 74-A/SR 3238 (FAIRVIEW ROAD)

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and,

WHEREAS, the North Carolina Department of Transportation (NCDOT) and the City of Asheville recently reviewed the pedestrian incident along a portion of Fairview Road, near the intersection of Fairview Road and the River Ridge Business Park, and have agreed that a project to improve pedestrian safety along a portion of Fairview Road is needed. The project will include a new sidewalk, pedestrian crosswalks, pedestrian signals, and pedestrian friendly safety rails along the existing bridges; and,

WHEREAS, the NCDOT and the City of Asheville will share equally in the cost of the project which is estimated to be $900,000; and,

WHEREAS, the NCDOT will be responsible for all aspects of constructing the project, including preliminary engineering, design and utilities; and, upon completion of the project, the City of Asheville will be responsible for maintaining the new sidewalk; and,

NOW, THEREFORE; BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a construction agreement on behalf of the City of Asheville with the North Carolina Department of Transportation for a cost-sharing project to improve pedestrian safety along a portion of US 74-A/SR 3238 (Fairview Road), and to expend up to $450,000 to provide for half of the project's construction cost and is further authorized to execute any change orders to said agreement or documents which may arise during construction of said project up to the budgeted amount.

Read, approved, and adopted this 13th day of June, 2017.

Magdalen Bellson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bellson
City Clerk

RESOLUTION NO. 17-119

RESOLUTION RE-AFFIRMING THE CITY OF ASHEVILLE'S COMMITMENT TO REDUCING CLIMATE POLLUTION IN ALIGNMENT WITH THE CITY COUNCIL VISION, AND CONTINUED SUPPORT OF THE PRINCIPLES OF THE PARIS AGREEMENT AND THE PARTICIPATION OF THE UNITED STATES OF AMERICA AS A PARTY TO THE PARIS AGREEMENT

WHEREAS, the City of Asheville desires to protect and enhance quality of life for all those who live, work, learn and play in our community, as well as for our children and grandchildren; and

WHEREAS, there is scientific consensus regarding the reality of climate change and the recognition that human activity, especially the combustion of fossil fuels that create greenhouse gases, is an important driver of climate change; and

WHEREAS, climate change has been widely recognized by government, business and academic leaders as a worldwide threat with the potential to harm our economy, safety, public health, and quality of life; and

WHEREAS, many local, regional, and global economies are prioritizing efficiency and transitioning to low-carbon energy sources; and

WHEREAS, actions that reduce climate pollution also have potential to improve air quality, public health, energy security, social equity, our local natural environment, and quality of life for our residents; and

WHEREAS, taking steps to increase energy efficiency and resilience can attract jobs and economic development opportunities to our community and increase our long-term economic competitiveness and wealth; and

WHEREAS, the City of Asheville has demonstrated a legacy of leadership against the threat of climate change; and

WHEREAS, several drivers of climate pollution such as the production and use of energy in buildings and transportation can influenced by local governments and the collective action of communities around the world; and

WHEREAS, the City of Asheville remains committed to its adopted goal of an 80% municipal carbon footprint reduction by 2050. As of 2016, the City has achieved a 28.6% reduction; and

WHEREAS, the City of Asheville partnered with Buncombe County and Duke Energy to develop the Energy Innovation Task Force to plan, develop, implement, and market improved energy efficiency programs, demand side management and new, clean energy technologies to Asheville-area residents and businesses; and

WHEREAS, we are joined in taking action on climate change by a global coalition of cities, state and national governments and community and private sector leaders who recognize the importance and potential of these actions to protect and enhance the well-being of current and future generations; and

WHEREAS, more than eighty-six (86) mayors representing more than 40 million Americans have recently re-affirmed their cities' commitments to climate action; and

WHEREAS, the City of Asheville actively collaborates with other local governments throughout our region, state, nation, and the world to learn from each other and identify win-win opportunities to take action on climate change while creating measurable benefits in our communities; and

WHEREAS, 195 countries, including the United States, vowed to address climate change in agreements reached in Paris in December 2015 (the "Paris Agreement"); and

WHEREAS, President Donald Trump's announcement seeking to withdraw the United States of America from the Paris Agreement undermines this critical global effort to confront one of the greatest challenges facing our community and communities all across the one planet we all share; and

WHEREAS, the reality of climate change has not been affected by recent political announcements; and

WHEREAS, the absence of federal leadership only increases the importance of local leadership in avoiding the most dangerous and costly effects of climate change;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville re-affirms its commitment to taking action to reduce climate pollution in alignment with the City Council Vision, the City of Asheville continues to support the principles of the Paris Agreement and the participation of the United States of America as a party to the Paris Agreement; and that the City of Asheville will continue to stand with cities and other public and private sector partners throughout the world to advance actions to reduce climate change.

Read and approved and adopted this 13th day of June 2017.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

520

RESOLUTION NO. 17-120

RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE FOR SIX SINGLE-MEMBER ELECTORAL DISTRICTS GOVERNING THE NOMINATION AND ELECTION OF CITY COUNCIL MEMBERS AND SETTING A PUBLIC HEARING ON THE PROPOSED CHARTER AMENDMENTS

WHEREAS, N.C. Gen. Stat. § 160A-101 provides that a city may alter its form of government, including the mode of election of the Council, by adopting one or a combination of the options prescribed in the statutes; and

WHEREAS, N.C. Gen. Stat. § 160A-101(6)(b) provides that, with respect to the mode of election of Council members, the City may be divided into single-member electoral districts, with Council members apportioned to the districts, so that each member represents the same number of persons as nearly as possible, and the qualified voters of each district shall nominate and elect candidates who reside in the district for the seat apportioned to that district; and

WHEREAS, the Asheville City Council is currently composed of six Council members and a mayor, all nominated and elected from the City at large, as provided in Section 6 of the Asheville City Charter; and

WHEREAS, the Asheville City Council intends to consider an ordinance amending the City Charter to provide that: the City shall be divided into six, single-member, electoral districts, to govern the nomination and election of City Council members; a candidate who seeks office shall represent the district in which the candidate resides; the qualified voters of each district shall nominate and elect candidates who reside in the district for the seat apportioned to that district; and the Mayor shall continue to be nominated and elected from the City at large, in accordance with N.C. Gen. Stat. § 101(8)a; and

WHEREAS, in order to begin staggered terms for Council members using a single-member electoral district mode of election, all Council members shall be elected in the 2019 election, with those three persons elected to Council in the 2019 election who receive the highest number of votes of the entire Council to serve four years terms to expire in 2023, and the other three persons elected to Council in the 2019 election to serve two year terms to expire in 2021. Commencing with the 2021 election, all terms of office for Council members shall be four year terms. The person elected as Mayor at the 2017 election shall serve a four year term, and the next Mayoral election will be in 2021, and for four year terms thereafter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council, pursuant to N.C. Gen. Stat. §§ 160A-101(6)(b) and 160A-102 does hereby adopt a resolution of intent to consider adoption of an ordinance amending the City Charter to provide for:

(a) Dividing the City into six, single-member, electoral districts, to govern the nomination and election of City Council members. A candidate who seeks office shall represent the district in which the candidate resides. The qualified voters of each district shall nominate and elect candidates who reside in the district for the seat apportioned to that district. The Mayor shall continue to be nominated and elected from the City at large, in accordance with N.C. Gen. Stat. § 101(8)a; and

(b) All City Council seats shall be elected in 2019 and staggering the terms of Council members such that those three persons elected to Council in the 2019 election who receive the highest number of votes of the entire Council shall serve four year terms to expire in 2023, and the other three persons elected to Council in the 2019 election to serve two year terms to expire on 2021. Commencing with the 2021 election, all terms of office for Council members shall be four year terms. The person elected as Mayor at the 2017 election shall serve a four year term of office, with the next Mayoral election being in 2021, and for four year terms thereafter.

The City Council will also consider making the effectiveness of such ordinance amendments subject to a vote of the people in the November 2017 election, in the manner prescribed by N.C. Gen. Stat. § 160A-102.

BE IT FURTHER RESOLVED THAT:

A public hearing on the proposed Charter amendments shall be held by the City Council of the City of Asheville during the regular meeting of the City Council on the 27th day of June, 2017, beginning at 5:00 p.m. in the Council Chamber on the second floor of the City Hall Building of the City of Asheville.

The City Clerk is hereby directed to publish a notice of said public hearing at least once, not less than 10 days prior to the date fixed for the public hearing, which notice shall contain a summary of the proposed Charter amendments.

Read, approved and adopted, this 13th day of June, 2017.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

522

RESOLUTION NO. 17-121

RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, the terms of Corey Atkins, Carol Ann Lyndon and Yvonne Cook-Riley, as members on the Civic Center Commission, will expire on June 30, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Yvonne Cooke-Riley, 5 Manila Street, Asheville, N.C., be and she is hereby reappointed as a member to the Civic Center Commission to serve an additional three-year term, term to expire June 30, 2020, or until her successor has been appointed.

Ms Christine Sykes Lowe, 3 Red Oak Road, Asheville, N.C., be and she is hereby reappointed as a member to the Civic Center Commission to serve a three-year term, term to expire June 30, 2020, or until her successor has been appointed.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 17-122

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE CRIME STOPPERS BOARD

WHEREAS, the terms of Anthony Mitchell and Karl Katterjohn, as members of the Asheville-Buncombe Crime Stoppers Board, will expire on June 30, 2017; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Beau Dean, 65 Woodrow Avenue, Asheville, North Carolina, be and he is hereby reappointed as a City Council representative on the Crime Stoppers Board of Directors, to serve an additional three-year term, term to expire June 30, 2020, or until his successor has been appointed.

Ms. Tana Macaluso, 19 Hearthstone Drive, Asheville, North Carolina, be and she is hereby appointed as a City Council representative on the Crime Stoppers Board of Directors, to serve a three-year term, term to expire June 30, 2020, or until her successor has been appointed.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bullerson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullerson
City Clerk

524

RESOLUTION NO. 17-123

RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the terms of Philip Lenowitz (representing 28804 zip code); Barber Melton (representing 28805 zip code); and Elaine Poovey (at-large member) will expire on July 1, 2017; and

WHEREAS, Greta Bush (at-large member) has resigned, thus leaving an unexpired term until July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Philip Lenowitz, 111 Lakeshore Drive, Asheville, N.C., be and he is hereby reappointed to serve a three-year term (representing 28804 zip code) term to expire July 1, 2020, or until his successor has been appointed.

Ms. Barber Melton, 15 Melton Drive, Asheville, N.C., be and she is hereby reappointed to serve an additional three-year term (representing 28805 zip code) term to expire July 1, 2020, or until her successor has been appointed.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bowlesson
CITY CLERK

Edwin G. M
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 17-124

RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, the terms of Jay Miller, Andrew Fletcher, Jay Fields, Gwynne Rukenbrod Smith, Guillermo Rodriguez and Ron Laboray, as members on the Public Art & Cultural Commission, will expire on June 30, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Jay Miller, 84 Forsythe Street, Asheville, N.C., be and he is hereby reappointed as a member to the Public Art & Cultural Commission to serve a three-year term, term to expire June 30, 2020, or until his successor has been appointed.

Mr. Andrew Fletcher, 225 Forest Hill Drive, Asheville, N.C., be and he is hereby reappointed as a member to the Public Art & Cultural Commission to serve a three-year term, term to expire June 30, 2020, or until his successor has been appointed.

Mr. Jay Fields, 71 Sherwood Road, Asheville, N.C., be and he is hereby reappointed as a member to the Public Art & Cultural Commission to serve an additional three-year term, term to expire June 30, 2020, or until his successor has been appointed.

Mr. Guillermo Rodriguez, 406 Windswept Drive, Asheville, N.C., be and he is hereby reappointed as a member to the Public Art & Cultural Commission to serve an additional three-year term, term to expire June 30, 2020, or until his successor has been appointed.

Mr. Ron Laboray, 1 Mountain Terrace, Asheville, N.C., be and he is hereby reappointed as a member to the Public Art & Cultural Commission to serve a three-year term, term to expire June 30, 2020, or until his successor has been appointed.

Ms. Katie Cornell, 310 Pole Creasman Road, Asheville, N.C., be and she is hereby appointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to expire June 30, 2020, or until her successor has been appointed.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

526

RESOLUTION NO. 17-125

RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

WHEREAS, the terms of Todd Dunnuck, Tiffany DE'Bellott, Sheneika Smith and Patrick Dennehy as members on the Recreation Board, will expire on June 30, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Tiffany DE'Bellott, 46 Hidden Acres Drive, Asheville, N.C., be and she is hereby reappointed, as a member of the Recreation Board, to serve a three-year term, term to expire June 30, 2020, or until her successor has been appointed.

Mr. Patrick Dennehy, 482 Kimberly Avenue, Asheville, N.C., be and he is hereby reappointed, as a member of the Recreation Board, to serve a three-year term, term to expire June 30, 2020, or until his successor has been appointed.

Ms. Ali Mangkang, 15 Cleveland Avenue, Asheville, N.C., be and she is hereby appointed, as a member of the Recreation Board, to serve a three-year term, term to expire June 30, 2020, or until her successor has been appointed.

Ms. Lauren Weldishofer, 35 Erskine Avenue, Asheville, N.C., be and she is hereby appointed, as a member of the Recreation Board, to serve a three-year term, term to expire June 30, 2020, or until her successor has been appointed.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

Department of Natural and Cultural Resources
Division of Archives and Records
Collections Services Section

Certificate of Authenticity

This is to certify that the following images are true and accurate reproductions of records received by this agency for the purpose of scanning and creating microfilm from the scanned images. It is further certified that any micrographic format created through conversion or duplication of these images complies with the Uniform Photographic Copies of Business and Public Records as Evidence Act, as described in G.S. § 8-45.1, and forms a durable medium for reproducing the original record. It is also certified that processes exist to prevent the unauthorized creation, addition, alteration, deletion, or deterioration of these images, and that these images were scanned under the direction of the undersigned on the date(s) indicated below.

The records consist of: BUNCOMBE COUNTY

CITY OF ASHEVILLE, CITY COUNCIL, RESOLUTIONS MINUTES

The records begin with:

VOLUME: 36 DATE: NOVEMBER 12, 2013 PAGE: R-2013-235

and end with:

VOLUME: 38 DATE: June 13, 2017 PAGE: R-2017-125

Date scanning began: 2/23/22 Date scanning ended: 2/23/22

Scanning Resolution (dpi): 300

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